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Annual Report Of The South Dakota Unified Judicial System

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South Dakota Unified Judicial System

MARK G GEDDES
Administrator

STATE COURT ADMINISTRATOR'S OFFICE
STATE CAPITOL
PIERRE, SD 57501
(605) 773 3474

The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

Once again, I respectfully present the annual report of the Unified Judicial System, the 1985 Benchmark, as part of our continuing effort to keep you, and the general public, informed about the activities and operations of South Dakota's courts.

In addition to the functional descriptions of the offices comprising the system, and general statistical information, we have included data on court-appointed attorney costs and traffic-fine receipts by county. The report covers general judicial system activities for calendar year 1985, with statistical information for fiscal year 1985 (July 1984 through June 1985).

We acknowledge our gratitude to the clerks of court and court services officers throughout the state who submitted most of the data contained herein, and the staff personnel who cooperated in the compilation and publication of the report.

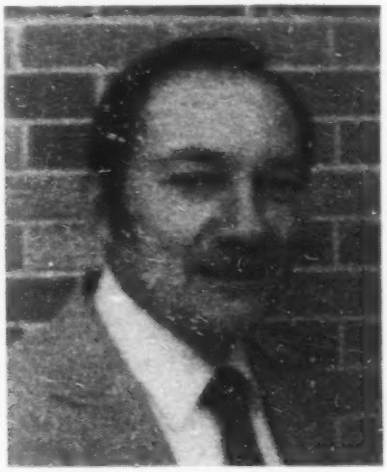
Respectfully submitted,

Mark G. Geddes
State Court Administrator

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT

Hon. Frank E. HENDERSON	Hon. Roger L. WOLLMAN	Hon. Jon FOSHEIM	Hon. Robert E. MORGAN	Hon. George W. WUEST
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
First District	Fifth District	Third District	Fourth District	Fifth District

At the time this photograph was taken, Justice Wuest was interim Justice for the Second District. He was then appointed to the position vacated by Justice Wollman, and Justice Sabers, below, was appointed to the justice position in the Second District.



Hon. Richard SABERS
Associate Justice
Second District

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Unified Judicial System 1985: The Second Decade Begins

Calendar year 1985 marks the beginning of a new decade in the operation of the South Dakota court system. It also marks a period of gradual change in policy direction for that system. For the first ten years after passage of the 1975 Constitutional amendment unifying the courts, policy emphasis was primarily oriented toward the internal operation of the UJS, stressing experimentation and evaluation of structures and procedures within the system, and standardization of internal documentation. The beginning of the second decade brings expectations of increased concern for the victims of crime, renewed emphasis on public participation in court policy decision, and more expanded use of advanced technology in improving communications with other agencies of state government, and within the court system itself.

Remembrance of the Decade Past

The purpose of unification, in the early seventies, was to consolidate a number of independent local courts into a state-wide, centrally-funded judicial system. Separate jurisdictions of county courts, municipal courts, and justices of the peace were integrated into one system of circuit courts, assisted by magistrate courts. The circuit court structure was divided into nine judicial circuits, over which presiding judges were assigned management responsibility for carrying out the policies of the Supreme Court.

In the early development of the Unified Judicial System, the emphasis was on the adjustment and adaptation of previously existing components into the new unified structure. Much of the original effort was to establish uniform paperwork and processes throughout the state, and to assist court personnel to understand their position in the new judicial system. The Code of Judicial Conduct was adopted and a number of studies were initiated to provide better understanding of the UJS structure and processes. The Court Services program was expanded, bringing increased responsibilities in the area of felony probation and juvenile services.

There was a reorganization of judicial circuits as early as fiscal year 1977, at which time one of the original nine circuits was eliminated. This may be seen as an example of the type of progressive adjustment that has been taking place from the earliest years of the operation of the UJS.

In the early years, the initial organizational period evolved into a time of process-adjustment among the various components of the system. Clerks, administrative staff, judges, magistrates, and court services personnel have been adapting to the new professional relationships that have developed among themselves, and between them and other agencies of state or local government. The interaction, for example, between the circuit court and the state's attorney, or with social services personnel, or between the State Court Administrator's office and the Attorney General's office, has involved some gradual adjustment. Even today, there is still some ambiguity in the relationship between some state agencies and the UJS, and the effort toward clarification continues.

There was also increased emphasis on training programs as the effort was made to improve the uniformity of procedures, and the quality of service. There was, and to some extent there still remains, ambiguity with reference to the training and functions of lay magistrates in the system. The statute assigns extensive courtroom responsibility for this position, and provides for related training, although actual functions are usually restricted by circuit management.

During the middle years of the decade, much of the federal assistance to the courts, such as that provided by the Law Enforcement Assistance Agency, was sharply reduced or eliminated. LEAA funding had been instrumental in the production of the procedural manuals during the decade, as well as providing funding for some personnel positions and some research projects. The National Center for State Courts provided technical assistance in studies of specific aspects of court operation such as caseflow management and jury handling.

The manuals and studies produced during this period represent part of the court system's effort to evaluate and consolidate procedural activities throughout the state and provide a uniform base of procedures and information from which to draw for future administrative decisions.

The court system, through the presiding judges, the Judicial Conference, and the Supreme Court, has also produced a number of statutory modifications and practical rules during the past decade. Among these, there have been personnel rules, court-appointed attorney guidelines, training and travel guidelines for judges, and modifications of civil and criminal procedures, appellate actions, and the small claims process. The Supreme Court has provided for dismissal of civil cases by their "twelve-month no-activity" rule, and has been studying the possibility of allowing news cameras in the courtroom.

The Court Services activities during the period included policies for innovative handling of domestic problems, the design of a statistical reporting system, a caseload activities management system, and a number of statistical studies, including a study of the alternative care program and a comparative analysis of juvenile referrals

The later stage of court development during the first decade involves a continuation of cooperative effort between the various components of the UJS, and particular state agencies. For example, the UJS has been developing a new criminal justice information system that will make some criminal case data available to other state agencies.

The Court has also appointed a committee to consider the concerns of victims and witnesses in criminal prosecutions, and a 180-day time limit has been placed on these prosecutions, as protection for the accused, and to ensure the speedy disposition of criminal cases.

1985: Supreme Court Change

Among the noteworthy developments in the Unified Judicial System during 1985, the event that captured the attention of the system, and the public, was President Ronald Reagan's appointment of South Dakota Supreme Court Justice Roger Wollman to the Federal Court of Appeals. Justice Wollman's appointment during the Summer of 1985 is important not only because the state Supreme Court, with his resignation, has lost a valued and experienced member, but also because it represents recognition by the President of the quality of professional judicial talent in South Dakota.

At the very end of 1985, Governor Janklow appointed Judge Wuest to the vacant position left by Justice Wollman's resignation, and Sioux Falls attorney Richard Sabers as replacement for the retired Justice Dunn. The new justices, who will serve three years before being required to stand for a state-wide retention election, begin their official duties in 1986.

Circuit Bench Changes

With the Governor's appointment of Judge Wuest to the Supreme Court, a vacancy is created on the bench in the Fourth Judicial Circuit to which the Governor may now make another appointment. In addition, the retirement of the Honorable Mildred Ramynke from the fifth circuit bench (Roberts County) leaves yet another circuit court vacancy awaiting appointment.

This means is that the Governor, through the appointment process, has just replaced 40% of the membership of the Supreme Court. Also, by the time he has completed his eight-year term of office in 1986, the Governor will have replaced over one-third of the circuit judges in the state (probably 12 out of 35)--a significant impact on the personnel of the court system.

The departure of Judge Wuest and Judge Ramynke from the circuit bench also leaves two of the state's eight presiding judge positions vacant. To fill these, the Chief Justice has appointed, in the fourth circuit, Presiding Circuit Judge Marshall M. Gerken, and in the fifth circuit, Presiding Circuit Judge Eugene E. Dobberpuhl. These, along with the recent appointment of Presiding Circuit Judge Dale E. Bradshaw in the third circuit, demonstrate further the changing nature of the state judiciary.

Also, with reference to potential changes on the circuit courts, the Chief Justice, in early 1985, appointed a Blue Ribbon Citizens' Committee to study the existing structure of circuits and circuit judges, and make recommendations to the Supreme Court regarding possible modifications to this structure.

Certainly all of these changes--and an expressed willingness by the Chief Justice and the Supreme Court to promote further improvements--demonstrate the legacy of the first decade of the UJS. That legacy is the dynamic responsiveness that is the heart of the South Dakota court system, open to change and willing to trust progress. Such a legacy must augur well for the future development of the system. As the second decade builds on the values of the first, the years ahead should bring a state judiciary that continues to recognize and respond to its own progressive potential.

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed by the Governor and subject to electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, exercised primarily through Chief Justice.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-five judges, who are elected at-large from within their respective circuits for an eight-year term.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. The magistrate function is performed in most counties by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, accept pleas of guilty, not guilty and nolo contendere for class-two misdemeanors, conduct trials for petty offenses and for uncontested civil cases involving damages of $2000.00 or less.

Law-Trained Magistrate:

Licensed attorney, appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

The Court Structure

The judicial system of South Dakota, as shown in the chart on the previous page, is comprised of two component levels of courts having interrelated jurisdictions. The circuit courts are the lower courts of original jurisdiction through which the bulk of the criminal prosecution and civil litigation is processed. The Supreme Court, in addition to its own areas of original jurisdiction, provides the administrative leadership for the legal and judicial system, and serves as the state's appellate court. This means that problems the litigants have with decisions made at the circuit court level are brought, as appeals, to the Supreme Court for resolution.

The circuit courts employ magistrate courts to assist in processing misdemeanor cases (mostly traffic and DUI) and less-serious civil actions such as small claims.

The courts, and the administrative apparatus of the judicial system, are described in further detail in the material following.

Supreme Court

The Supreme Court is the state's highest court and the court of last resort for state appellate actions. It is the final judicial authority on all matters involving the legal and judicial system of South Dakota. In considering state issues, however, and in making decisions about cases received from parties appealing circuit court actions, there are a few restrictions on the authority of the Court. The justices, for example, are generally expected to follow precedent--that is, their own previous decisions (although with some allowance for redirection.) Also, there are the constraints placed upon the Court by the State and Federal Constitutions, by statute law passed by the legislators, and by decisions of the Federal Courts.

When a case, or an issue, meets the general criteria for consideration, the Court's judgment--to affirm or reverse a lower court decision, for example--is based on a majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to a justice at random, and all of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The working term of the Supreme Court extends the full calendar year. The sessions are usually held in the hearing room in the State Capitol, or in those cities, or college campuses, that the Court may specify by its own order.

Membership and Appointment

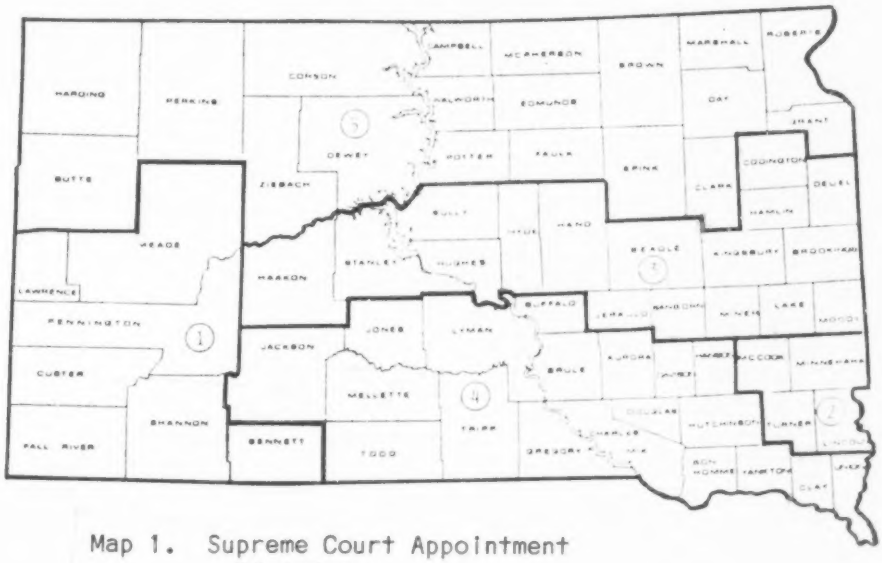
The five members of the Court (four associate justices and a chief justice) are responsible for making collegial decisions regarding appellate cases and other judicial business. It is not unusual, however, for one of the circuit court judges to be placed on the Supreme Court bench temporarily to assist in the decision-making process.

Such appointment may occur when a justice disqualifies himself because he might have, or appear to have, personal involvement in a case, or if there is a vacancy on the Court caused by the illness or departure of a justice. Toward the end of 1985, for example, Presiding Circuit Judges George Wuest and Ernest Hertz were appointed by the Chief Justice as interim justices of the Supreme Court. They filled the vacancies left by the departure of Justices Dunn and Wollman, pending appointment of permanent replacements to these positions by the Governor.

All of those who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district (see Map 1) to which they are appointed at the time they take office. There is no formal age requirement for those who serve on the Court, but there is a statutory requirment that a justice must retire shortly after reaching the age of seventy. A retired justice, if he is amenable to the request, may be called back into judicial service in any of the state's courts.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates recommended by the Judicial Qualifications Commission. All Supreme Court justices must stand, unopposed, for statewide approval or rejection by the electorate in a retention election. For newly-appointed justices, the vote is held at the next general election following the third year after appointment; for incumbent justices who have been elected under the earlier system, the vote is held at the end of their existing term. After that, all justices stand for retention election every eighth year.

The permanent members of the Court during fiscal year 1985 were elected, one from each of five districts established by the legislature, for a term of eight years. Map 1, below, illustrates the boundaries of the five Supreme Court appointment districts. The terms of the members of the Court are alternated. In districts four and five, the justices were elected for an eight-year term beginning in 1977, and re-elected in 1984. In districts one, two and three, the eight-year term began in 1979, and any of the justices that serve the full term may stand for statewide retention election in 1986.



Map 1. Supreme Court Appointment Districts

Jurisdiction

The original jurisdiction--as contrasted with appellate jurisdiction--of the Court extends generally to all issues involving the interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate jurisdiction of the Court, by which the justices hear appeals from decisions of the lower courts, constitutes the largest portion of their workload. This appellate control insures adherence by the circuit judges to accepted principals of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervising the licensing of attorneys as members of the State Bar, and for deciding questions involving the removal of attorneys from professional practice in the state. The discharge of these duties requires that the Court establish guidelines regarding appropriate behavior of the members of the legal and judicial communities, and hold disciplinary hearings to consider violations of these guidelines. Through this process, the Court is able to exercise control over the professional conduct of South Dakota's attorneys and judges.

The administrative rule-making power of the Supreme Court also includes control of lower court practice and procedure, which encompasses such items as the regulation of civil litigation and criminal prosecution, and the Rules of Appellate Procedure. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes the occasional modification of the number of circuit court judges, boundaries of circuits, and general administrative supervision of the Unified Judicial System. Some rules recently issued by the Court include amendment to the Code of Professional Responsibility as it applies to handling a client's funds and property; establishment of procedure for appellate settlement conferences to provide for simpler disposition of appeals before a referee; adjustment of the presiding judges' rules process at the judicial circuit level; and the requirement that criminal cases must be disposed within 180 days of commencement.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations governing official travel, and for training, of the personnel in the Unified Judicial System.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges and justices. Also, the Court may appoint, at its pleasure, such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judiciary process. The Court is assisted in this role by the State Court Administrator's office and the presiding judges.

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

	FY 1981	FY 1982	FY 1983	FY 1984	FY 1985
FILINGS	326	363	406	371	375
Appeals	261	300	317	296	291
Intermediate Appeals	27	28	38	23	12
Original Proceedings	22	19	17	18	38
Notice of Review	12	11	30	30	29
Miscellaneous Filings	4	5	4	4	5
DISPOSITIONS	361	372	399	391	369
Opinions/Cases	238/269	190/228	212/248	190/235	183/223
Orders of Dismissal/Cases	50/55	72/78	84/84	92/97	69/74
Orders of Denial	34	42	31	32	33
Miscellaneous	3	6	13	6	7
Expedited Appeals Granted		18	23	21	32
PENDING CASES (as of 6-30)	262	260	276	267	279
Submitted and Pending	88	89	82	104	95
Ready for Submission	66	45	50	40	62
Not Ready for Calendar	107	125	137	119	115
Other	1	1	7	4	7

Table 1. Supreme Court Caseload, Compared by Fiscal Year

Supreme Court Data

The information on the table above is presented graphically on the bar chart shown on the following page. In the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

A "Notice of Review" is filed by an appellee (the prevailing party in the lower court, against whom the appeal is brought) when he seeks review of any judgment or order entered in the same action in which an appeal has been taken. A notice of review is a separate filing and a separate disposition.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1. A motion for reversal is filed by an appellant (the party bringing the appeal); a motion for affirmance is filed by an appellee. Additionally, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is used because it usually takes less time to process appeals under this rule. The Court must be unanimous in its decision to render a summary disposition, and that decision is set forth in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main sub-categories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only final disposition by the Court, are placed in the "Submitted

and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

The data shown in the chart illustrate that filings for this year have increased slightly over 1984, which showed a significant decrease from fiscal 1983. Dispositions have continued to decrease after the high point of fiscal year 1983. This may appear to indicate that Court "productivity" is declining, although the actual level of activity is about the same as it was in fiscal 1982.

Cases submitted and pending, that is, awaiting final decision from the court, decreased this year from the level of 1984, indicating that although dispositions are declining, there is no concurrent increase in this type of pending case. In cases awaiting Court consideration, however, there is a marked increase.

Dispositions, which increased gradually from 1980 through 1983, have now declined back to about the level of fiscal year 1982, while the pending case backlog has remained fairly stable, or decreased slightly.

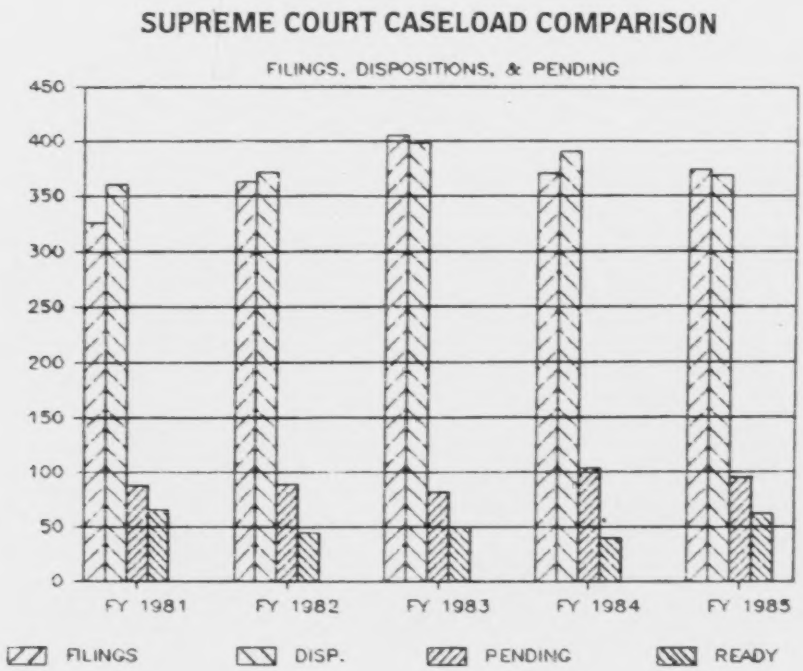


Chart 1. Supreme Court Caseload Comparison

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings, except those reserved for the Supreme Court. Appeals from decisions of the magistrate court--a subdivision of the circuit court--are also heard by the judges of the circuit court.

Circuit court judges are elected at large from within their respective circuits for a term of eight years. In the event of a vacancy in one of these positions, the Governor appoints a replacement from a list of at least two candidates recommended by the Judicial Qualifications Commission. The circuit judge must be a voting resident of his circuit at the time he takes office. The thirty five judges, and the law-trained magistrates, in office at the end of fiscal year 1985 are listed on page 13. The map showing circuit boundaries is presented below.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following.

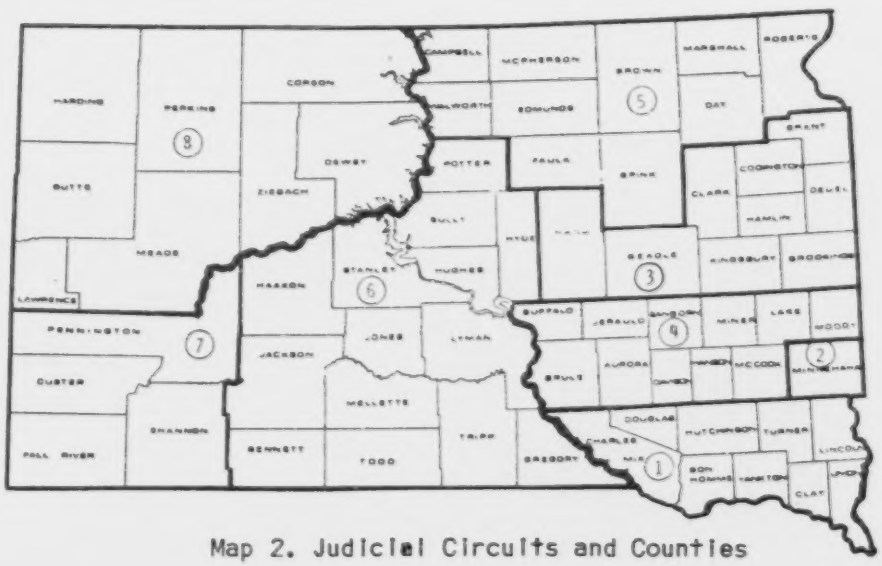
1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

In the map below, the eight judicial circuits of the state are designated. The judges and law-trained magistrates for each circuit are listed on page 13.



Map 2. Judicial Circuits and Counties

5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

6) Authorizing a schedule of fine and bond amounts to be used by magistrates and law enforcement officers in criminal prosecutions.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. Arraignment and trial of all felony cases are part of the exclusive jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following.

1) Dispute of title or boundary of real property

2) Divorce or annulment of marriage

3) Probate, guardianship and settlement of estates

4) Juvenile proceedings

5) Civil disputes in which damages claimed are in excess of $2,000.00.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts. Decisions in small claims cases cannot be appealed.

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature is authorized by statute to provide for courts of limited jurisdiction. In the present system, these courts--the magistrate division--assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. Each law-trained magistrate is appointed by the presiding judge of the circuit to a four-year term upon approval by the Supreme Court.

As is apparent from the list presented on page 13, a substantial number of the law-trained magistrates are part-time personnel, who may continue in their own private legal practice. Full time law-trained magistrates are not permitted to perform as private attorneys.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and small claims disputes.

The lay magistrates, in contrast to the law-trained personnel, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas (and impose sentence) only in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail.

In all criminal cases, the lay magistrate is authorized to issue warrants for arrest or search, appoint legal counsel for defendants who are unable to pay for a lawyer, set bond for the release of the accused, and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). In addition, the magistrate is authorized by statute to function as coroner when it is necessary and the regular coroner of the jurisdiction is not available.

The lay magistrate's court also has the power to perform marriages; administer oaths and take depositions; and adjudicate small claims defaults and other uncontested civil disputes involving amounts of $2,000 or less. Table 3 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. In most counties, the clerk of court also serves as the lay magistrate.

The lay magistrate is required by law to attend a training institute provided by the State Court Administrator's office every other year. There is no educational requirement beyond high school.

Although the state law assigns extensive authority to the lay magistrate, particularly in criminal cases, the extent of the actual exercise of this authority varies considerably from one judicial circuit to the next, depending on the policy of the presiding judge.

Presiding Judges' Meeting

Periodically, approximately every two months throughout the year, the eight presiding judges meet with the State Court Administrator and the Chief Justice. At two of these meetings each year, participation by the eight chief court services officers is included.

Through the presiding judges meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, management problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive and legislative branches of state government to meet, and discuss issues of mutual concern, with the judicial personnel responsible for the implementation of operations at the circuit court level.

During the year, agenda items for the presiding judges meetings included liaison with the State Bar Association, policy changes regarding court-appointed counsel, recommendation of a UJS salary study, revision of the bail bond process, discretionary appeals to the Supreme Court, and the modification of speeding fines to accommodate new legislation.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, required by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

Bench Personnel by Judicial Circuit

FIRST JUDICIAL CIRCUIT, Judges:
Connelly, Riley
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Marmet, Robert G.

SECOND JUDICIAL CIRCUIT, Judges:
*Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Kean, Gene Paul
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale E.
Martin, Eugene L.
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Gordon J.

Law-Trained Magistrates:
Gullickson, Larry (Term. 3-8-85)
Jones, Rolland (Term. 12-28-84)
Turbak, Nancy (3-11-85)

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall M.
McMurchie, Boyd L.
*Wuest, George W.

Law-Trained Magistrates:
Sage, Doyle
Iosty, James (4-17-85)

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
Evans, Vernon
*Ramynke, Mildred D.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James

SIXTH JUDICIAL CIRCUIT, Judges:
Anderson, James W.
Heck, Donald L.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrates:
Wendt, Richard (7-2-84)

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
Konenkamp, John (6-15-84)
Tice, Merton B. Jr.
*Young, Marshall P.

Law-Trained Magistrates:
**Klauck, Jack
**O'Connor, Michael (7-16-84)

EIGHTH JUDICIAL CIRCUIT, Judges:
Johnson, Warren
*Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Hoggatt, Ralph (4-9-84)

* Indicates Presiding Judge
** indicate Full-Time Magistrate

Note: Judge Bradshaw became Presiding Judge of the Third Circuit as of 5-6-85; Judge Gerken became Presiding Judge of the Fourth Circuit as of 7-1-85; and Judge Dobberpuhl became Presiding Judge of the Fifth Circuit as of 12-14-85.

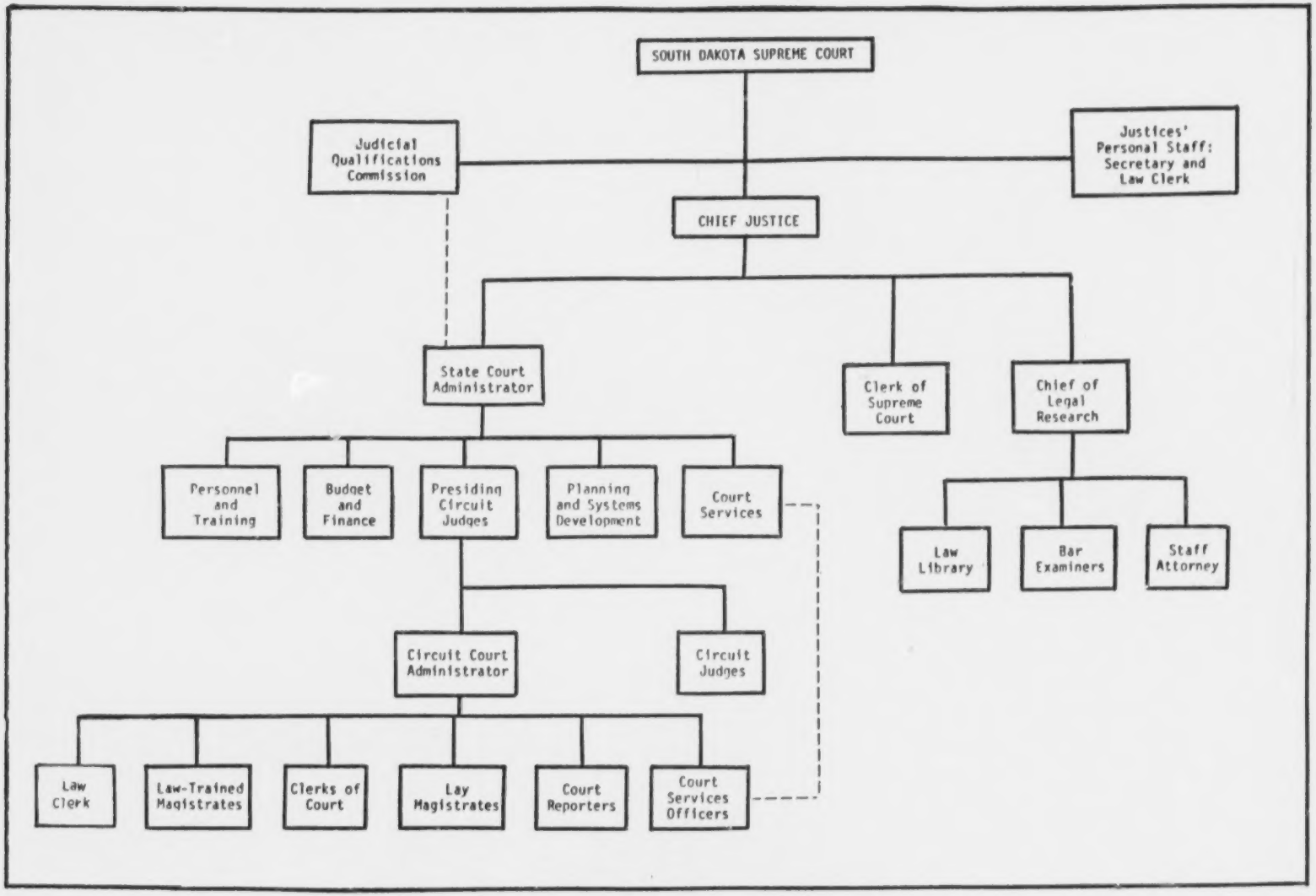


Table 2. Organization Chart for the Unified Judicial System

Judicial Qualifications Commission

This commission, created by Article V, Section 9, of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four-year terms of the members are imbricated to promote policy continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of the person subject to the inquiry. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor. The Governor then appoints one of those nominees to fill the vacancy.

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court, the compilation of appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. The responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As Supreme Court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court law library of some 40,000 volumes.

3) The Chief of Legal Research also coordinates the staff attorney's efforts to prescreen appeals and draft internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorney screens the cases brought on appeal and makes recommendations to the Supreme Court regarding disposition.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative direction and support services to the Unified Judicial System. In addition to these management and policy functions, there are four major subdivisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including biennial training institutes for lay magistrates, and mandatory professional development programs for judges.

The personnel and training office is also responsible for the revision of personnel rules, and for the coordination of activities involved in advertising open positions, and related activities in recruiting new personnel for the judiciary.

During 1985, this office was directly involved in personnel policy changes in response to the recent U. S. Supreme Court ruling regarding the use of overtime for government employees, and in the development of a new method of position evaluation and employee classification to make the personnel structure of the UJS more comparable with other government agencies.

Budget and Finance Division is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms and accounting procedures for the Unified Judicial System.

In 1985, the Budget and Finance Division participated in the improved automation of the accounting process which allows more immediate computer entry of financial data. This can then be processed through the State Auditor's office for more efficient recording and payment.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, publication and maintenance of procedures manuals, the analysis of caseload and disposition data, and the preparation of research reports.

During the year, this division continued its involvement in the computerization of magistrate docketing and accounting in the Second Judicial Circuit, the first stage of which was implemented at the end of 1984. This division also continued progress in a joint inter-agency study toward the development of a new criminal justice reporting system that would make criminal prosecution information available to a number of interested state agencies.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the initiation and coordination of all professional development activities of court services officers.

During 1984 and 1985, the Director has been very active with the Chief Justice's Committee on Victims and Witnesses, which has been formulating legislative changes in the interest of victims of crime.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting, and statistical reporting responsibility. Presently only the second and seventh circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Law Clerk

Every judicial circuit now has the benefit of the services of a full-time law clerk. These are recent law-school graduates employed to provide research assistance to the presiding judge and circuit judges in the preparation of case judgments and orders of the court.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, perform record-keeping and filing functions for the courts, and maintain appropriate court records for the judicial reporting system. The clerk also assists and informs the public about the schedule of the court, proper filing procedures, and about other matters of public interest such as the small claims process. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator, and members of his staff, periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, and to develop solutions.

During 1985, the State Court Administrator's office organized a state-wide training institute for clerks of court to provide an opportunity for the interchange of ideas and the discussion of mutual concerns. The handling of bankruptcy papers, garnishments, and suspended imposition of sentence were among the topics specifically covered in the program.

Court Services Officer

The duties of the court services officers include the following.

1) Designing and supervising juvenile diversion program services.

2) Conducting juvenile, misdemeanant and felony presentence investigations and preparing related written reports and recommendations.

3) Providing probation services to juvenile, misdemeanant and felony probationers and their families.

4) Placing and supervising juvenile offenders in family foster homes and residential group care programs.

5) Planning and collecting offender-paid victim restitution, and developing and supervising offender community-service programs.

6) Providing divorce custody investigations and mediation services, and monitoring divorce custody visitations and adoption investigations.

7) Providing public education programs, and managing community-based service activities for juvenile, misdemeanant and felony offenders and their families.

8) Collecting attorney fees, court costs, probation fees, work release costs, drug-buy money, and other costs and fees.

Coordinating the activities of the court services officers are the chief court services officers, one of whom is appointed in each judicial circuit. These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most law-trained magistrates are assigned a full-time court reporter, whose duty it is to keep verbatim transcripts of required court activities, to make those transcripts available, and to assist the court in any related needs. The court reporter is required to provide secretarial services for the judge.

The table below details the number of persons in the various categories of clerk-magistrate and lay magistrate positions, full time and part time, by circuit.

CLERK-MAGISTRATE STAFFING BY CIRCUIT, FY 1985

CIRCUITS:	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	STATE TOTAL
FULL TIME:									
Court Clerk-Magistrate	9	2	9	10	9	10	4	5	58
Deputy Court Clerk	8	17	6	0	6	0	16	0	53
Deputy Court Clerk-Magistrate	1	0	5	8	4	4	0	7	29
Other*	0	3	0	0	0	0	2	0	5
PART TIME:									
Court Clerk-Magistrate	0	0	0	1	1	3	0	3	8
Deputy Court Clerk	8	0	3	4	5	1	0	0	21
Deputy Court Clerk-Magistrate	0	0	3	1	1	11	0	8	24
Lay Magistrate	3	0	0	0	0	4	4	2	13

* Accounting Clerk, Microfilm Machine Operator

Table 3. Clerk-Magistrate Staffing by Circuit

FY 1985 STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT

Position / Circuits:	1st	2nd	3rd	4th	5th	6th	7th	8th	Total
Bailiff	0.3	4.4	0.3	0.4	0.3	0.4	0.5	0.3	6.9
Circuit Judge	4.0	5.0	5.0	4.0	4.0	5.0	5.0	3.0	35.0
Clerk of Court	9.0	2.0	9.0	10.4	9.6	11.7	4.0	6.7	62.4
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	7.0	5.0	4.0	5.0	5.0	6.0	4.0	40.0
Court Services Officer	7.0	12.0	8.0	6.0	5.0	5.5	9.0	5.0	57.5
Deputy Clerk of Court	12.2	20.0	14.0	8.4	13.0	6.7	18.0	8.6	100.9
Law Clerk	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	8.0
Law-Trained Magistrate	2.0	2.0	0.7	0.9	1.8	0.5	2.0	2.0	11.9
Lay Magistrate	0.5	0.0	0.0	0.0	0.0	2.1	1.3	0.9	4.8
Secretary	3.0	6.0	4.0	3.0	3.4	2.5	6.5	2.0	30.4
TOTAL	43.0	60.4	47.0	38.1	43.1	40.4	54.3	33.5	359.8

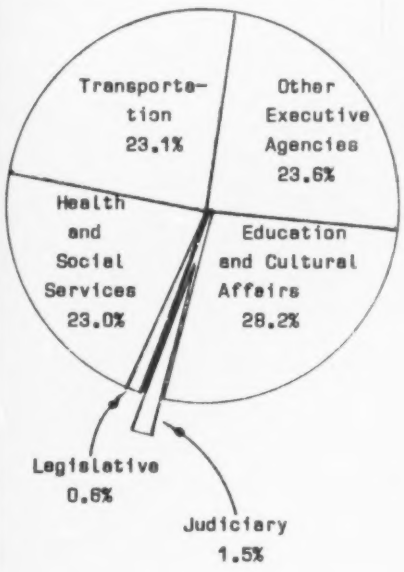
Table 4. Staffing Allocations by Circuit

Staffing Allocations

Because many of the positions filled in the Unified Judicial System are part-time positions, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). Thus, two persons employed on a half-time basis in a given position would show up as 1.0 FTE.

The data for the fiscal year reflects an overall increase of 1.4 FTE from the previous year. The first, fourth and eighth circuits have added a law clerk; and the second circuit lost a law clerk, a lay magistrate, and a secretary, and added a court reporter and a deputy clerk of court.

The net change in FTE includes the reduction of one circuit judge position and one court reporter in the third circuit during fiscal year 1985. This reduction was the indirect result of the transfer of Faulk and Spink Counties, and a resident judge, from the Third Judicial Circuit to the Fifth Judicial Circuit, and the elimination of the vacant judge and court reporter positions in the latter circuit. The clerk and deputy clerk positions were transferred with the counties.



AGENCY		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation		$174.3	23.1%
Education and Cultural Affairs		213.4	28.2
Health and Social Services		174.1	23.0
Other Executive Agencies:			
Charities and Corrections	$47.8		
Labor	20.3		
Executive Management	22.2		
Game, Fish and Parks	17.6		
Commerce and Regulation	16.9		
Other	53.7		
Total, Other Executive Agencies		178.5	23.6
LEGISLATIVE		4.2	0.6
JUDICIARY		11.7	1.5
TOTAL		$756.2	100.0%

Table 5. State Budget Allocation

Financing the Unified Judicial System

The judicial system collects millions of dollars every year in fines, bond forfeitures, fees and costs. However, because of the obvious ethical questions that would be involved if court judgments produced court income, none of this money is used to finance the system directly (refer to table 7). All the money collected by the judiciary is disbursed into other areas of public need such as the school districts or city and county general funds.

Because the judicial system of the state does not generate any of its own funding, it must be financed by funds from other sources, primarily the state budget. As demonstrated in the budget-allocation data above, the judiciary's share of the budgetary pie is minuscule in comparison with that of major executive-branch agencies.

The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out-of-home placement of juveniles, and training. State funding provides for personal services, which include salaries and benefits, for the employees in these operations. For fiscal year 1985, this cost was 9.3 million dollars for 323 full-time and 90 part-time employees.

The state also funded operating costs of 2.4 million dollars in fiscal year 1985. These operating costs include travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court expenses.

The responsibility of the county in supporting its court operation includes jury fees, witness fees, and transcript costs and attorney fees for indigent defense. Also, counties are required to

provide operational facilities for the circuit court, clerks of court, and court services. These facilities include office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. In addition, many counties maintain their own county law libraries, partially funded from a law library fee collected on each civil filing in the circuit court.

The legislature presently requires the counties to reimburse the state's general fund 25% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year. This reimbursement percentage is scheduled to decrease gradually down to 10% over the next few years.

The total amount of the reimbursement is pro-rated to each county, based upon percentage of the state population that resides in the county. Credits are allowed to the county for the amount of space provided for the operation of the courts.

Municipalities are generally required to provide funding to support activities that are necessary to enforce municipal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants, as all of these are applicable to city ordinance. Municipalities also provide facilities for law-trained and lay magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties, and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes the preparation and submission of the annual consolidated budget request of the Chief Justice; the control of the operating budget, and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions following apply to the categories of accounting data in Table 6.

DEFINITIONS OF RECEIPT CATEGORIES

City Fines: Fines Collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund. This is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund (65%) and the state general fund (35%).

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated costs: A $12.00 surcharge set by the state legislature to be assessed for all criminal cases. Ten dollars of this is to be used for training of law enforcement, corrections, and judicial personnel. Two dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

Posted Bonds: Bonds posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

CLERK OF COURT
RECEIPTS AND DISBURSEMENTS
FISCAL YEAR 1985

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTALS
CASH RECEIPTS:									
CITY FINES	$108,223	$446,075	$112,782	$63,214	$93,619	$54,516	$265,796	$71,215	$1,215,440
CITY COSTS RECOVERED	78	2,388	182	0	230	20	17	159	3,074
CITY FORFEITURES	30	3,784	7,587	2,068	93	143	250	245	14,200
STATE FINES	991,551	845,218	633,079	545,779	688,315	583,120	681,137	984,762	5,983,562
STATE COSTS RECOVERED	10,894	41,761	11,356	9,511	10,902	25,704	83,676	21,361	215,165
STATE FORFEITURES	33,608	17,096	3,712	3,004	4,318	5,759	11,611	9,249	88,357
CASH FEES	101,342	154,566	112,848	75,920	115,866	77,298	125,968	60,458	824,266
LAW LIBRARY FEE	8,318	13,818	10,044	6,700	9,646	6,398	11,369	5,127	71,420
SMALL CLAIMS POSTAGE	4,668	4,402	6,161	3,499	4,484	4,820	7,766	2,003	37,803
LIQUIDATED COSTS	193,896	373,006	151,361	129,477	146,328	124,132	227,481	145,007	1,490,788
COURT APPOINTED ATTORNEY FEES	16,574	14,462	20,926	18,982	16,242	24,785	6,685	11,612	130,268
PETTY OFFENSE FINES	241	0	845	355	1,370	506	3,175	68	6,560
RESTITUTION	60,001	119,783	82,076	57,407	77,555	43,156	125,534	31,153	596,665
POSTED BONDS	228,062	361,388	90,884	131,142	308,125	153,602	372,297	146,482	1,791,982
OTHER	40,766	5,171	288,133	45,247	54,492	53,516	369,238	6,675	863,238
CHILD SUPPORT	521,883	1,170,237	1,714,785	678,800	1,138,580	939,583	2,027,723	720,239	8,911,830
TRUST FUND	20,732	86,217	112,040	20,133	352,382	450,228	41,168	41,334	1,124,234
TOTAL RECEIPTS	$2,340,967	$3,659,973	$3,358,801	$1,791,238	$3,022,547	$2,547,286	$4,360,891	$2,267,149	$23,348,852
CASH DISBURSEMENTS:									
REMITTED TO CITIES	$71,093	$294,835	$78,584	$42,509	$61,076	$35,533	$173,243	$46,423	$803,296
REMITTED TO COUNTIES	1,161,967	1,086,442	$792,604	659,974	846,526	723,812	923,332	1,110,577	7,305,234
RESTITUTION	58,795	118,546	84,258	60,910	76,731	41,226	116,324	31,030	587,820
SMALL CLAIMS POSTAGE	4,631	4,402	6,135	3,494	4,095	4,822	7,754	2,010	37,343
POSTED BOND REFUND	210,411	325,410	119,063	117,289	286,246	148,766	380,091	210,080	1,797,356
CHANGE OF VENUE	334	377	280	203	661	252	0	28	2,135
OTHER	40,727	5,120	288,205	45,455	54,518	53,107	369,823	7,043	863,998
CHILD SUPPORT FORWARDED	521,883	1,170,237	1,714,785	678,800	1,138,580	939,583	2,027,723	720,239	8,911,830
TRUST FUND	70,590	92,633	199,232	33,239	337,767	74,730	31,284	46,650	886,125
REMITTED TO STATE	232,041	530,767	193,304	152,283	179,182	143,311	320,251	170,678	1,921,817
TOTAL DISBURSEMENTS	$2,372,472	$3,628,769	$3,476,450	$1,794,156	$2,985,382	$2,165,142	$4,349,825	$2,344,758	$23,116,954

Table 6. Clerk of Court Receipts and Disbursements, FY 1985

CLERK OF COURT RECEIPTS COMPARED
FY 1981 TO FY 1985

RECEIPTS, TYPE:	FY 1981	FY 1982	FY 1983	FY 1984	FY 1985
City Fines	$1,365,076	$1,798,135	$1,345,676	$1,159,971	$1,215,440
City Costs Recovered	2,261	3,812	2,838	2,616	3,074
City Forfeitures	13,739	14,300	14,986	14,888	14,200
State Fines	3,253,614	4,420,292	4,826,746	5,615,310	5,963,562
State Costs Recovered	148,398	203,850	266,413	258,114	215,165
State Forfeitures	34,147	52,801	59,251	66,152	88,357
Cash Fees	506,604	580,977	616,762	793,144	824,266
Law Library Fee	65,886	66,362	69,650	69,032	71,420
Small Claims Postage	29,101	30,052	33,576	34,603	37,803
Liquidated Costs	288,328	330,230	1,244,454	1,384,830	1,490,788
Court Appointed Attorney Fee	81,871	115,916	137,367	128,360	130,268
Petty Offense Fines	2,537	2,211	2,562	5,747	6,560
Restitution	614,905	713,853	807,505	669,126	596,665
Posted Bonds	857,869	1,293,424	1,403,909	1,630,651	1,791,982
Other	174,432	159,705	341,466	514,517	863,238
Child Support	5,354,849	6,318,920	7,120,484	7,778,813	8,911,830
Trust Fund	422,644	559,426	497,232	1,231,511	1,124,234
TOTAL RECEIPTS	$13,216,261	$16,664,266	$18,790,877	$21,357,385	$23,348,852
DISBURSEMENTS, TYPE:					
Remitted to Cities	$1,380,886	$1,819,710	$1,363,588	$799,197	$803,296
Remitted to Counties	4,386,918	5,766,386	5,982,542	6,934,764	7,305,234
Restitution	625,166	706,555	799,762	684,309	587,820
Small Claims Postage	28,644	29,517	33,428	34,318	37,343
Posted Bond Refund	830,543	1,219,664	1,331,356	1,558,380	1,797,356
Miscellaneous Refund	4,615	1,984	1,689	2,971	2,135
Other	169,410	145,685	353,746	511,508	863,998
Child Support Forwarded	5,354,849	6,318,920	7,120,484	7,778,813	8,911,830
Trust Fund	578,650	504,793	479,892	1,049,772	886,125
Remitted to State	106	260	1,243,043	1,763,760	1,921,817
TOTAL DISBURSED	$13,359,787	$16,513,474	$18,709,530	$21,117,792	$23,116,954

Table 7. Clerk of Court Receipts and Disbursements Compared, FY 1981 to FY 1985

Receipts

Chart 2, below, shows some of the types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by the convicted offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to the punishment of the criminal by fine or incarceration. The chart below shows a continuing decrease in restitution from fiscal year 1983 through 1985.

The "fees" category represents the money paid by the public for services rendered by the court as a part of state government, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, at the beginning--of non-criminal court actions (small claims, probate, divorce, etc.). A statutory increase in these filing fees was put into effect at the beginning of fiscal year 1984.

The result of this legislative change can be seen on the bar chart below in the sudden fee-increase from fiscal year 1983 to 1984. This year, the fee amount shows a continuing rise, now over .8 million. This money is paid into the county general fund.

Court-appointed defense attorney fees are paid initially, by the county or city, for accused persons who are unable to pay for a lawyer. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes as a condition of probation. The amount of this repayment is shown in the chart below.

In addition to this direct repayment from the accused, a certain portion of the costs collected on all criminal convictions is set aside and returned to the counties as a percentage of the total paid by the county for court appointed attorneys. This apportionment of costs is specified by SDCL 23-3-55 and is explained in some detail in the material following, under the title of "Fines and Costs." The details of repayment for court-appointed attorneys can be found on Tables 9 and 10, and the chart that precedes those.

SELECTED RECEIPTS COMPARED:

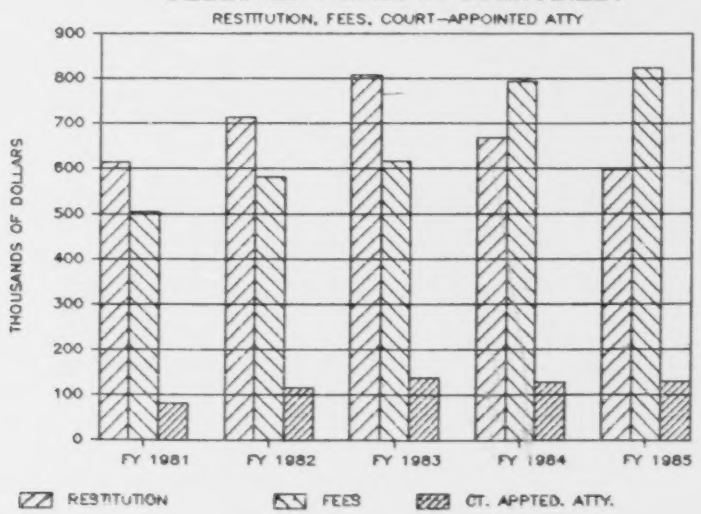


Chart 2. Selected Receipts Compared, Restitution, Fees, Court-Appointed Attorney Repayment

Fines and Costs

Chart 3, below, presents the comparison, by fiscal year, of fines and costs collected for criminal cases. State fines are those assessed for violations of state laws, and city fines are those amounts charged for violation of municipal ordinances.

State fines received are deposited to the school district of the county in which the violation occurred. City fines are divided, with 65% being returned to the city general fund, and 35% to the state general fund.

The liquidated costs figure is derived from the $12.00 added to the fines for conviction of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). Prior to 1983, this amount was 5%, or a minimum of $2.00 on each violation. The increase in "costs" revenue is evident on the chart.

The increase in liquidated costs for the year is $105,958, which is about a 7.7% rise from fiscal year 1984. If total costs were collected on each case, this would mean there were 124,232 cases on which the costs were received, as compared with 115,403 in the previous year. The judges do occasionally waive the $12.00 liquidated cost assessment, or some portion of it, if there appears to be financial hardship involved.

The total disbursement of liquidated costs is divided three ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total $1,490,788, 25% ($372,697) is to be used for law enforcement training; approximately 58% ($864,657) for highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors, Unified Judicial System personnel, and other law enforcement and training purposes.

The remaining portion, about 17% ($253,433), is returned to the counties on a percentage basis for the payment of court-appointed attorneys representing indigent defendants accused of crimes. This is to be distributed annually by the state treasurer according to SDCL 23-3-55. See table 9 on page 31, for a county-by-county distribution of these funds.

The steady increase in state fines over the five year period is in part a reflection of a parallel increase in DUI filings until 1984 (see table 17 on page 46). Also, the operation of new truck

SELECTED RECEIPTS COMPARED

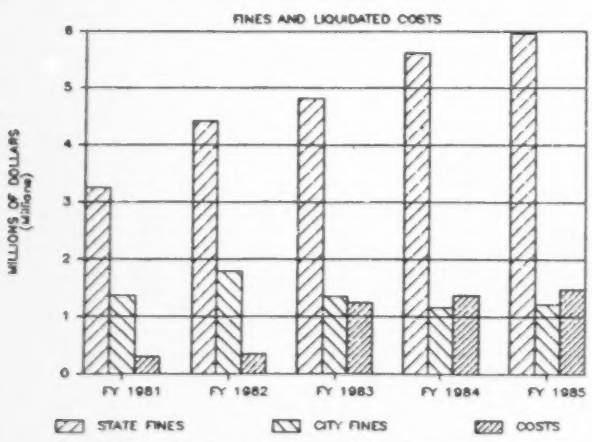


Chart 3. Selected Receipts Compared, Fines and Liquidated Costs

inspection stations has increased the number of state fines from certain areas of the state (see table 8, on page 28, and chart 4, on page 27). The total increase in this fiscal year over 1984 is $348,252, which is about a 6% rise. This may be compared with a 16% rise in fiscal year 1984.

There has been a decline in city fines over the past two fiscal years. This may indicate a reduction in overall violations in municipalities. It may also mean that the local law enforcement officers are finding that more of the offenses in the cities are violations of state law rather than city ordinance. Beginning in fiscal year 1985, for example, the previous municipal offenses of careless driving and exhibition driving can now be filed as state offenses. The result of this should be a continuing increase in state fines at the expense of city fines.

Comparison of State Fines by Circuit

In Table 8 (page 28) and in the circuit totals from that table presented in Chart 4, total state fine receipts are compared between the first and the last years of the five-year period from fiscal year 1981 to 1985. In the table, the state totals show that the fine receipts have increased by more than 80% during the five-year period.

The largest increases statewide over the five-year period are in the first, second and eighth circuits. This is primarily due to the establishment of truck inspection stations in these three circuits (and in the fifth circuit). The remarkable increase in state fines resulting from the installation of truck stations is also demonstrated on Table 8, and chart 5, which shows the fine receipt comparison for fiscal year 1984 and 1985. In Minnehaha County (the second circuit), the truck station was established in September of 1984. In that circuit, the fine receipts for the fiscal year rose by over $300,000--well over a 50% increase. In the other circuits for the same period, the change was minimal (with the possible exception of the first circuit).

Again in 1985, the combined state-fine totals of Meade and Lawrence Counties exceed the totals of almost all the other circuits.

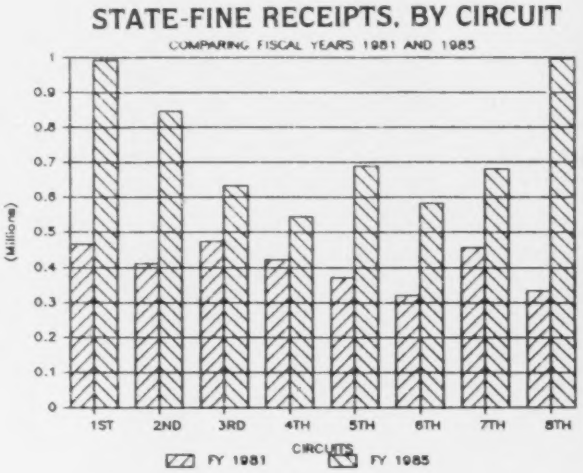


Chart 4. State Fine Receipts Compared by Circuit FY 1981 - FY 1985

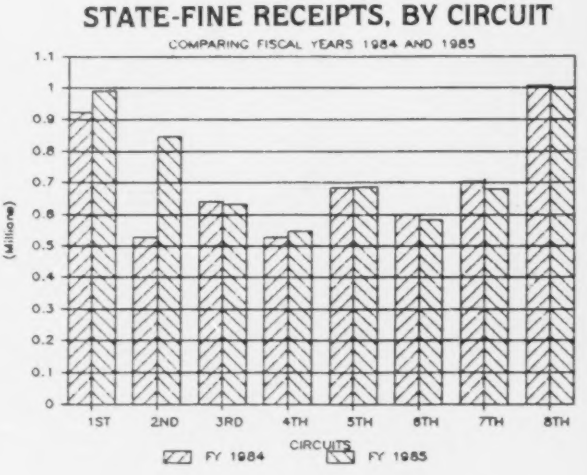


Chart 5. State Fine Receipts Compared by Circuit FY 1984 - FY 1985

COMPARISON OF STATE FINES, BY COUNTY AND CIRCUIT: FROM FY 1981 TO FY 1985

COUNTIES	FY 1981	FY 1984	FY 1985	PERCENT CHANGE FY81-FY85
1ST CIRCUIT:				
Bon Homme	$23,176	$24,946	$24,768	6.9%
Charles Mix	73,593	68,613	69,398	-5.7%
Clay	47,694	86,879	92,319	93.6%
Douglas	14,231	16,575	21,122	47.8%
Hutchinson	22,807	45,150	44,667	95.0%
Lincoln	48,551	98,763	95,620	98.9%
Turner	30,046	16,450	15,884	-47.1%
Union	100,623	382,240	423,552	320.9%
Yankton	105,213	174,814	204,220	94.1%
TOTAL	$466,094	$924,430	$991,550	112.7%
2ND CIRCUIT:				
Minnehaha	$411,272	$526,956	$845,819	105.7%
3RD CIRCUIT:				
Beadle	$113,740	$135,093	$129,332	13.7%
Brookings	85,744	146,952	162,522	89.5%
Clark	15,741	32,098	36,188	129.9%
Codington	109,806	146,445	123,075	12.1%
Deuel	24,514	31,302	35,590	45.2%
Grant	36,435	45,143	40,281	10.6%
Hamlin	13,872	33,505	26,520	91.2%
Hand	41,767	31,128	34,622	-17.1%
Kingsbury	31,298	40,222	44,941	43.6%
TOTAL	$472,917	$641,886	$633,079	33.9%
4TH CIRCUIT:				
Aurora	$42,807	$24,747	$48,138	12.4%
Brule	48,957	75,548	58,769	20.0%
Buffalo	134	3,322	5,463	3976.9%
Davison	136,363	145,991	158,565	16.3%
Hanson	15,173	18,409	17,738	16.9%
Jerauld	8,273	31,388	28,873	249.0%
Lake	35,579	38,525	51,186	43.9%
Mc Cook	49,725	71,450	43,724	-12.1%
Miner	9,333	19,943	22,287	138.6%
Moody	51,384	76,315	86,692	68.7%
Sanborn	23,655	21,424	24,366	3.0%
TOTAL	$421,383	$527,062	$545,779	29.5%

COUNTIES	FY 1981	FY 1984	FY 1985	PERCENT CHANGE FY81-FY85
5TH CIRCUIT:				
Brown	$131,554	$206,771	$205,270	56.0%
Campbell	5,542	12,988	7,513	35.6%
Day	32,152	53,220	42,368	31.8%
Edmunds	21,243	42,964	37,917	78.5%
Faulk	16,893	23,922	15,779	-6.6%
Marshall	22,008	32,411	33,763	53.4%
Mc Pherson	6,093	5,096	11,633	90.9%
Roberts	48,013	176,509	216,617	351.2%
Spink	40,274	60,903	51,087	26.8%
Walworth	47,230	71,743	66,369	40.5%
TOTAL	$371,000	$686,527	$688,316	85.5%
6TH CIRCUIT:				
Bennett	$14,289	$31,200	$41,894	193.2%
Gregory	18,363	26,935	33,603	83.0%
Haakon	8,585	17,870	15,248	59.1%
Hughes	73,460	149,245	135,014	83.8%
Hyde	2,288	8,519	10,959	379.0%
Jackson	50,440	59,390	65,916	30.7%
Jones	14,958	22,166	27,135	81.4%
Lyman	34,171	78,401	69,464	103.3%
Mellette	2,615	4,829	6,037	130.9%
Potter	12,238	28,606	25,430	107.8%
Stanley	30,219	46,500	47,858	58.4%
Sully	8,397	22,301	13,492	60.7%
Tripp	50,562	101,772	91,072	80.1%
TOTAL	$321,585	$599,734	$583,122	81.3%
7TH CIRCUIT:				
Custer	$49,694	$76,058	$72,037	45.0%
Fall River	49,825	74,298	60,417	21.3%
Pennington	32,739	30,621	23,607	-27.9%
Rapid City	324,047	522,385	525,076	62.0%
TOTAL	$456,305	$703,362	$681,137	49.3%
8TH CIRCUIT:				
Butte	$48,642	$67,421	$80,378	65.2%
Corson	8,727	21,959	13,936	59.7%
Dewey	3,767	14,861	9,944	164.0%
Harding	14,942	51,555	41,773	179.6%
Lawrence	130,916	351,013	339,654	159.4%
Meade	99,077	467,215	473,050	377.5%
Perkins	18,923	22,645	26,410	39.6%
Ziebach	8,062	8,691	9,618	19.3%
TOTAL	$333,056	$1,005,360	$994,763	198.7%
STATE TOTALS	$3,253,612	$5,615,317	$5,963,565	83.3%

Table 8. State Fine Receipts
Compared by County and Circuit

Total Receipts

In chart 6, the categories that comprise the largest share of money handled by the courts are shown continuing the rising trend that has been evident for more than five years. The pattern of increase for state fines has apparently begun leveling during the past year, but child support payments continue to rise at a steady rate.

Child support payments, the largest single component of receipts processed by the clerks' offices, represent a significant service performed by the courts for the public. The court in these cases serves as bookkeeper and collection agency for the recipient parent, and ensures that the paying parent discharges the responsibility required by the judge.

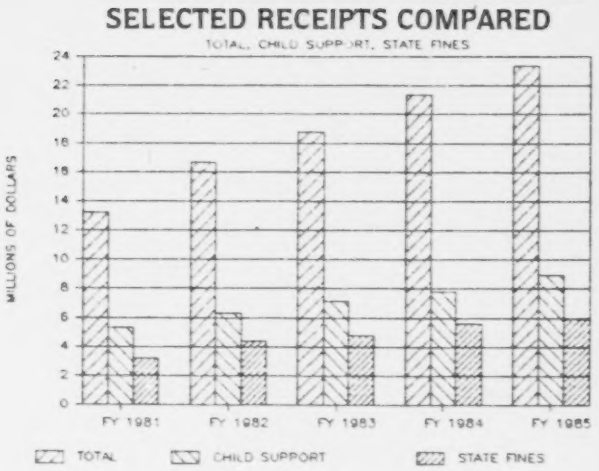


Chart 6. Selected Receipts Compared, Total, Child Support, State Fines

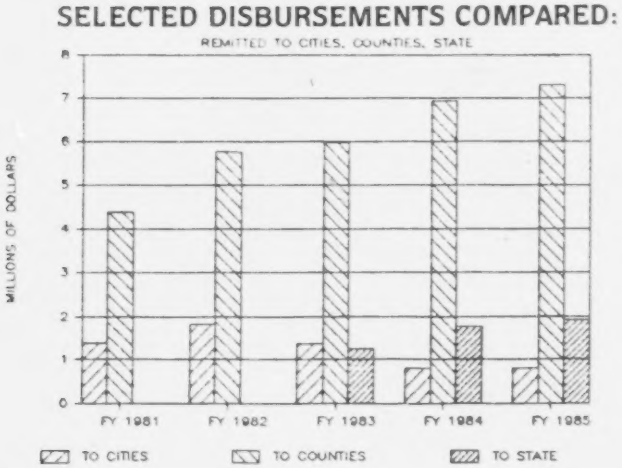


Chart 7. Selected Disbursements Compared

Disbursements

Chart 7 shows court disbursements of funds to the state and its subdivisions. Funds remitted to counties, which show a substantial increase over the five year period, include state fine amounts returned for school districts in accordance with Article VIII, Section 3 of the South Dakota Constitution.

The decrease in disbursements to cities in the past two years is partly because city fines have declined, and partly because the court system has been remitting 35% of the city fine receipts directly to the state during that time. Prior to fiscal year 1983, the city was responsible for sending the state's portion of their receipts into the state general fund.

This change in accounting procedure is also part of the reason for the sudden increase in state remittances shown in fiscal year 1983 and 1984. The other reason for the increase in disbursements to the state is that the liquidated costs (see the previous discussion on fines and costs) are also sent by the court system directly to the state treasurer.

Court Appointed Attorney Costs

Table 9, page 31, shows costs and repayment for court-appointed attorneys and public defenders. Chart 8 is a graphic summary of the cost and repayment by circuit. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of indigent persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public defender.

The data presented in these tables applies only to defense for felonies and class-one misdemeanors. This causes some distortion in the data because some counties, such as Lawrence and Butte, employ court appointed counsel extensively in defense of class-two misdemeanant offenders.

In counties where there is no public defender system, individual judges appoint attorneys to defend the indigent defendants on a more or less random basis. Repayment policies are the same for both types of county. Generally, the defendant is always expected to repay, or be responsible for, the cost of the court-appointed attorney, whether or not he is convicted. If repayment is not made, the county may file a lien against the defendant for the court appointed attorney cost.

The data on Table 10, page 32, shows an approximate average cost to the county for each court-appointed attorney case. This is done by dividing the total payment for the fiscal year by the total number of court appointment cases.

Table 10 also shows the percent of total class-one misdemeanor and felony filings that result in court appointment of an attorney. The state average is that 24%, or about one out of four, of such filings result in the appointment of an attorney at county expense. In the previous year, the average was lower (about one out of five cases). The public defender systems in Minnehaha and Pennington Counties appear to be reasonably cost efficient, since they both show a relatively high percentage of court-appointed cases, and a relatively low cost per case.

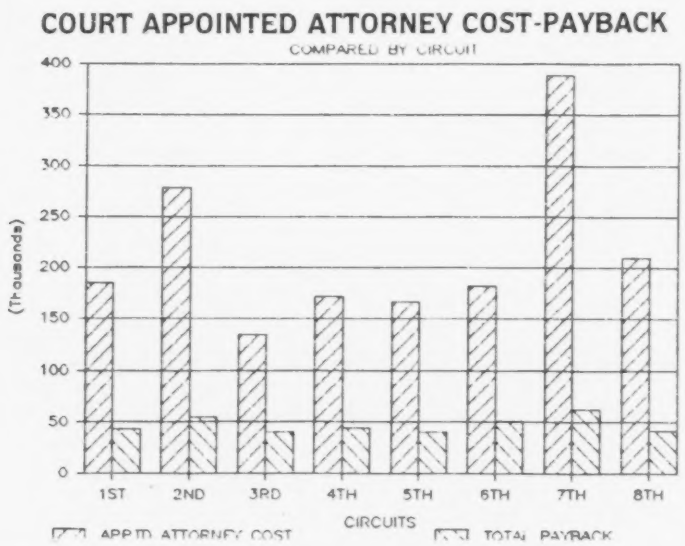


Chart 8. Court Appointed Attorney Repayment, by Circuit

COUNTY EXPENDITURES AND REPAYMENT FOR COURT APPOINTED ATTORNEYS AND PUBLIC DEFENDERS

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIRST CIRCUIT:				
BON HOMME	$365	$52	0	14%
CHARLES MIX	31,683	4,553	10	14%
CLAY	39,188	5,631	6,264	30%
DOUGLAS	7,517	1,080	0	14%
HUTCHINSON	5,744	825	338	20%
LINCOLN	33,755	4,850	887	17%
TURNER	1,956	281	351	32%
UNION	12,774	1,835	2,169	31%
YANKTON	52,241	7,507	6,556	27%
TOTAL	$185,223	$26,614	$16,575	23%
SECOND CIRCUIT:	$278,188	$39,974	14,462	20%
THIRD CIRCUIT:				
BEADLE	$40,998	$5,891	4,596	26%
BROOKINGS	12,156	1,747	3,493	43%
CLARK	3,512	505	324	24%
CODINGTON	56,240	8,081	6,579	26%
DEUEL	7,989	1,148	1,930	39%
GRANT	5,639	810	990	32%
HAMLIN	1,395	200	134	24%
HAND	2,118	304	2,425	129%
KINGSBURY	4,252	611	456	25%
TOTAL	$134,299	$19,297	$20,927	30%
FOURTH CIRCUIT:				
AURORA	$5,375	$772	$652	26%
BRULE	42,140	6,055	3,101	22%
BUFFALO	2,002	288	0	14%
DAVISON	54,070	7,770	4,689	23%
HANSON	3,068	441	1,459	62%
JERAULD	2,021	290	165	23%
LAKE	19,572	2,812	5,990	45%
MC COOK	10,372	1,490	1,051	24%
MINER	6,567	944	300	19%
MOODY	11,345	1,630	1,375	26%
SANBORN	15,209	2,185	201	16%
TOTAL	$171,741	$24,677	$18,983	25%
STATE TOTALS:	$1,715,637	$246,523	$130,272	22%

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIFTH CIRCUIT:				
BROWN	$82,863	$11,907	$9,893	26%
CAMPBELL	0	0	0	0%
DAY	10,332	1,485	1,615	30%
EDMUNDS	17,030	2,447	886	20%
FAULK	1,710	246	90	20%
MARSHALL	6,765	972	0	14%
MC PHERSON	300	43	300	114%
ROBERTS	25,351	3,643	1,012	18%
SPINK	12,624	1,814	1,969	30%
WALWORTH	9,432	1,355	477	19%
TOTAL	$166,407	$23,912	$16,242	24%
SIXTH CIRCUIT:				
BENNETT	$19,606	$2,817	$746	18%
GREGORY	11,347	1,630	148	16%
HAAKON	3,835	551	0	14%
HUGHES	82,326	11,830	13,468	31%
HYDE	1,695	244	60	18%
JACKSON	11,463	1,647	3,128	42%
JONES	2,108	303	1,525	87%
LYMAN	2,255	324	293	27%
MELLETTE	7,749	1,114	828	25%
POTTER	7,486	1,076	654	23%
STANLEY	5,559	799	3,409	76%
SULLY	1,870	267	128	21%
TODD-TRIPP	25,026	3,596	398	16%
TOTAL	$182,325	$26,198	$24,785	28%
SEVENTH CIRCUIT:				
CUSTER	$27,048	$3,887	400	16%
FALL RIVER	49,227	7,074	2,790	20%
PENNINGTON	311,849	44,810	3,495	15%
TOTAL	$388,124	$55,771	$6,685	16%
EIGHTH CIRCUIT				
BUTTE	$39,263	$5,642	$1,524	18%
CORSON	9,316	1,339	253	17%
DEWEY	643	92	0	14%
HARDING	2,482	357	0	14%
LAWRENCE	84,595	12,156	2,239	17%
MEADE	64,454	9,262	7,311	26%
PERKINS	8,577	1,232	0	14%
ZIEBACH	0	0	286	0%
TOTAL	$209,330	$30,080	$11,613	20%

Table 9. County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders

COURT-APPOINTMENT CASES AND COSTS

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIRST CIRCUIT:					
BON HOMME	$365	10	55	$37	18%
CHARLES MIX	31,683	64	290	495	22%
CLAY	39,188	65	372	603	17%
DOUGLAS	7,517	2	33	3,759	6%
HUTCHINSON	5,744	11	121	522	9%
LINCOLN	33,755	27	188	1,250	14%
TURNER	1,956	5	46	391	11%
UNION	12,774	20	261	639	8%
YANKTON	52,241	89	629	587	14%
TOTAL	$185,223	293	1,995	$632	15%
SECOND CIRCUIT:	$278,188	1,027	3,829	$271	27%
THIRD CIRCUIT:					
BEADLE	$40,998	56	327	$732	17%
BROOKINGS	12,156	34	592	358	6%
CLARK	3,512	9	83	390	11%
CODINGTON	56,240	85	429	662	20%
DEUEL	7,989	9	68	888	13%
GRANT	5,639	19	108	297	18%
HAMLIN	1,395	4	53	349	8%
HAND	2,118	12	64	177	19%
KINGSBURY	4,252	23	99	185	23%
TOTAL	$134,299	251	1813	$535	14%
FOURTH CIRCUIT:					
AURORA	$5,375	12	55	$448	22%
BRULE	42,140	52	155	810	34%
BUFFALO	2,002	0	12	0	0%
DAVISON	54,070	135	492	401	27%
HANSON	3,068	3	18	1,023	17%
JERAULD	2,021	2	27	1,011	7%
LAKE	19,572	52	238	376	22%
MC COOK	10,372	20	109	519	18%
MINER	6,567	9	39	730	23%
MOODY	11,345	30	110	378	27%
SANBORN	15,209	5	47	3,042	11%
TOTAL	$171,741	320	1,303	$537	25%
STATE TOTALS:	$1,715,637	4,342	17,909	$395	24%

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIFTH CIRCUIT:					
BROWN	$82,863	186	802	$448	23%
CAMPBELL	0	0	11	0	0%
DAY	10,332	23	106	449	22%
EDMUNDS	17,030	6	77	2,838	8%
FAULK	1,710	3	22	570	14%
MARSHALL	6,785	17	83	398	20%
MC PHERSON	300	1	30	300	3%
ROBERTS	25,351	115	347	220	33%
SPINK	12,624	27	107	468	25%
WALWORTH	9,432	21	222	449	9%
TOTAL	$166,407	399	1,807	$417	22%
SIXTH CIRCUIT:					
BENNETT	$19,806	71	346	$278	21%
GREGORY	11,347	42	90	270	47%
HAAKON	3,835	4	31	959	13%
HUGHES	82,326	231	636	356	36%
HYDE	1,695	3	24	565	13%
JACKSON	11,483	11	112	1,042	10%
JONES	2,108	5	22	422	23%
LYMAN	2,255	20	85	113	24%
MELLETTE	7,749	32	87	242	37%
POTTER	7,486	7	124	1,069	6%
STANLEY	5,559	29	120	192	24%
SULLY	1,870	3	17	623	18%
TODD-TRIPP	25,026	73	249	343	29%
TOTAL	$182,325	531	1,943	$343	27%
SEVENTH CIRCUIT:					
CUSTER	$27,048	39	161	$694	24%
FALL RIVER	49,227	126	255	391	49%
PENNINGTON	311,849	1,053	2,837	296	37%
TOTAL	$388,124	1,218	3,253	$319	37%
EIGHTH CIRCUIT:					
BUTTE	$39,269	64	279	$613	23%
CORSON	9,318	6	32	1,553	19%
DEWEY	643	3	25	214	12%
HARDING	2,482	3	24	827	13%
LAWRENCE	84,595	108	917	783	12%
MEADE	64,454	111	523	581	21%
PERKINS	8,577	8	154	1,072	5%
ZIEBACH	0	0	12	0	0%
TOTAL	$209,330	303	1,966	$691	15%

Table 10. Average Cost per Court Appointment

MILEAGE BY CIRCUIT PERSONNEL FOR JUDICIAL FUNCTIONS

JUDGE OR MAGISTRATE	MILEAGE
First Circuit:	
Connelly	11,347
Hertz	10,338
Humphrey	9,408
Tapken	6,620
Kern	6,281
Cody	5,504
Marmet	3,913
Tappe	927
Total	54,338
Second Circuit:	
Moan	4,547
Hurd	1,716
Heege	1,394
Hoyme	1,146
Patterson	408
Heuermann	365
Total	9,576
Third Circuit:	
Mydland	11,254
Gullickson	7,351
Hoyt	6,427
Martin	5,195
Bradshaw	5,084
Ries	5,063
Turbak	1,600
Total	41,974
Fourth Circuit:	
Mc Murchie	10,053
Anderst	8,903
Saga	7,940
Gerken	5,543
Iosty	3,920
Wuest	1,437
Jones	1,280
Total	39,076

JUDGE OR MAGISTRATE	MILEAGE
Fifth Circuit:	
Berndt	14,738
Ramynke	13,753
Evans	10,450
Dobberpuhl	7,920
Lovrien	7,194
Glynn	4,360
Olander	2,015
Total	60,430
Sixth Circuit:	
Heck	11,327
Mc Keever	11,160
Talbott	6,165
Miller	4,084
Anderson	3,534
Wendt	215
Total	36,485
Seventh Circuit:	
O'Connor	9,152
Tice	3,184
Young	2,524
Grosshans	1,677
Konenkamp	1,199
Davis	255
Total	17,991
Eighth Circuit:	
Tschetter	15,291
Moses	5,149
Severns	4,052
Johnson	3,875
Hoggatt	530
Johns	328
Total	29,225

Table 11. Travel Mileage by Circuit Personnel

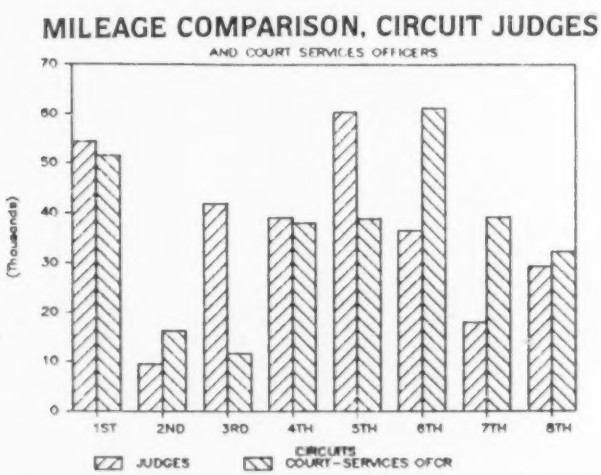


Chart 9. Mileage Comparison by Circuit

MILEAGE BY COURT SERVICES PERSONNEL FOR OFFICIAL FUNCTIONS

OFFICER	MILEAGE
First Circuit:	
Lehr	14,605
McCabe	14,414
Sondgeroth	7,755
Nelson	6,108
Hall	3,517
McNeely	3,078
Foltz	2,129
Total	51,606
Second Circuit:	
Wildes	3,078
Murphy	3,041
Hurtgen	2,211
Battista	2,094
Weber	2,052
LeMair	1,813
Tracy	1,078
Hansen	708
Weisenburger	117
Total	16,192
Third Circuit:	
Goldsmith	3,888
Danforth	1,978
Mead	1,798
Kjellsen	1,166
Brenden	978
Neuberger	824
Payne	686
Mielke	323
Total	11,641
Fourth Circuit:	
Rager	8,263
Janssen	8,047
Fraser	6,711
Johnson	5,346
Adair	4,744
Ibis	4,687
Mertens	140
Total	37,938
Fifth Circuit:	
Simons	13,001
Stanford	10,950
Brumbaugh	5,950
Melius	5,868
Chase	1,675
King	1,343
Total	38,787
Sixth Circuit:	
Bonenberger	16,722
Saffel	12,899
Parkinson	11,489
Bennett	10,627
Olson	7,370
McTighe	3,114
Total	62,221
Seventh Circuit:	
Nagel	15,866
Krosschell	9,607
LaPointe	4,192
Strackbein	2,909
Spencer	2,156
Fauss	2,113
Cadwell	1,710
Raue	357
Evans	256
Total	39,166
Eighth Circuit:	
Oehlerking	20,443
Hanson	4,811
Vodopich	4,141
Meyer	2,854
Total	32,249
State Total	289,800

Travel by Circuit Personnel

Table 11 and chart 9 show the mileage traveled by circuit personnel--judges, magistrates, and court-services officers--throughout the state as they perform their professional duties. The table lists each group by circuit in the order of the most miles travelled. The chart shows the totals by circuit.

Comparison of Court Services Activities of Fiscal Year

SERVICE CATEGORY	First Circuit		Second Circuit		Third Circuit		Fourth Circuit		Fifth Circuit		Sixth Circuit		Seventh Circuit		Eighth Circuit		State Totals	
	FY84	FY85	FY84	FY85	FY84	FY85	FY84	FY85	FY84	FY85	FY84	FY85	FY84	FY85	FY84	FY85	FY84	FY85
Juvenile Service:																		
Counsel and Release	29	54	1217	333	13	25	0	12	8	0	310	198	42	40	42	31	1661	883
Preliminary Investigations	350	212	1742	754	74	210	3	2	3	0	13	9	17	0	2	0	2204	1187
90-Day Diversion Services	252	298	128	108	171	218	87	128	15	120	73	134	85	78	76	99	887	1184
Prehearing Investigations	91	41	347	317	37	77	58	107	54	31	72	7	132	75	14	2	806	657
90-Day Informal Adjustments	21	6	13	33	171	25	1	1	0	2	5	5	3	0	0	2	214	74
Placed on Probation	105	107	158	181	83	187	78	102	152	122	48	48	113	106	40	88	799	897
On Probation at End of FY	135	110	131	137	60	87	60	51	128	132	60	48	104	113	45	54	731	730
Success Rate Percentage	90.64	90.00	87.37	89.00	85.76	78.00	88.47	84.00	73.83	84.00	95.50	90.00	85.84	84.00	88.17	88.00	88.17	87.00
FY's Alt. Care Placements	8	11	20	36	2	3	10	18	19	11	18	22	38	29	16	16	131	146
FY's Accumulated Alt. Care	18	19	43	55	2	4	22	27	28	19	34	42	53	56	27	28	228	250
Active Alternative Care Placements at End of FY	8	8	19	36	1	2	8	17	8	10	20	22	27	24	12	8	104	128
Family Foster Care Days	8	0	862	1209	22	141	850	880	215	8	2388	1721	1288	382	387	350	5820	4701
Group Care Days	2812	3295	4434	7254	15	269	2324	3293	2762	2622	4396	4803	3688	4841	2711	1947	23440	28124
Home-Based Serv. Referrals	0	0	1	1	0	0	0	0	0	0	0	0	10	9	9	2	20	12
Adult Service, Misdemeanor:																		
PSI Reports	118	81	39	52	25	30	58	62	8	22	11	28	1403	1591	3	5	1865	1872
Placed on Probation	86	93	39	52	150	133	35	58	15	183	31	25	115	158	37	51	508	731
Active Probationers, End FY	86	84	43	64	88	92	61	57	17	101	26	38	89	132	30	55	440	633
Adult Service, Felony:																		
PSI Reports	38	41	111	116	77	105	85	67	35	48	50	79	132	159	37	75	545	690
Placed on Probation	81	72	105	87	77	104	39	38	80	61	39	51	87	101	80	75	588	609
Active Probationers, End FY	140	150	242	244	110	127	81	80	140	146	95	95	135	152	131	148	1074	1142
90-Day Case Monitoring Program																		
Placed in Programs	85	40	3	21	159	580	8	55	126	56	13	180	1847	1579	4	15	2025	2528
Active Cases, End FY	14	9	1	6	120	136	0	38	7	7	0	21	345	303	2	1	489	521
Domestic Relations Cases:																		
Divorce Custody Investigations	4	3	20	19	1	0	2	2	0	0	3	0	4	3	0	0	34	27
Custody Visitation Monitoring	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Adoption Investigations	3	1	0	0	0	0	0	0	0	0	1	0	0	0	0	1	4	2
Divorce Custody Mediations	0	1	0	2	0	0	0	0	0	0	0	5	36	32	0	2	36	42

Table 12. Comparison of Court Services Activities

	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
COUNTIES	PETTY OFFENSE FILINGS	FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIRST CIRCUIT:																	
BON HOMME	3	479	426	21	5	42	12	32	5	2	0	13	9	4	1	1	1
CHARLES MIX	24	1067	1006	106	37	229	19	194	36	0	0	61	21	13	20	0	0
CLAY	2	1701	1663	27	17	305	55	284	10	2	8	67	13	53	8	3	3
DOUGLAS	2	516	504	24	0	30	3	29	3	0	0	3	0	2	2	0	0
HUTCHINSON	1	708	683	18	10	98	15	86	6	0	1	23	4	9	8	0	1
LINCOLN	7	2431	2315	149	43	158	16	123	17	1	1	30	8	15	14	1	0
TURNER	3	662	621	17	2	40	5	38	3	0	1	6	1	3	4	0	0
UNION	22	5451	5172	82	22	217	31	186	11	0	2	44	10	13	16	0	2
YANKTON	30	3243	3018	155	53	556	136	471	63	0	3	73	31	27	25	1	2
CIRCUIT TOTAL	94	16258	15386	599	189	1675	292	1445	154	5	16	320	97	139	98	6	9
SECOND CIRCUIT:	399	38337	31238	5755	896	3079	366	2047	514	30	8	750	180	180	281	10	24
THIRD CIRCUIT:																	
BEADLE	27	2906	2708	303	25	255	50	210	82	3	5	62	26	40	46	1	10
BROOKINGS	7	3074	2735	129	44	518	78	453	41	3	5	74	21	41	27	0	0
CLARK	4	576	516	45	16	77	10	44	21	4	0	6	3	3	5	0	0
CODINGTON	35	4089	3984	109	31	361	53	263	80	7	4	88	15	37	29	0	7
DEUEL	4	614	629	38	3	54	29	53	5	0	3	14	8	8	8	0	1
HAMLIN	8	701	700	16	7	77	12	76	8	2	2	31	12	16	9	0	2
HAND	4	501	465	26	10	48	0	38	9	0	0	4	1	2	4	0	0
KINGSBURY	2	581	550	47	1	48	10	38	10	1	1	18	6	4	11	0	1
CIRCUIT TOTAL	5	839	798	33	11	73	13	62	12	0	3	16	5	6	13	0	0
	98	13881	13087	745	148	1520	255	1245	246	20	23	293	97	157	150	1	21
FOURTH CIRCUIT:																	
AURORA	17	917	906	13	1	45	3	37	1	1	0	10	8	4	4	1	0
BRULE	3	1138	1062	58	6	119	18	77	18	4	3	36	8	14	10	1	3
BUFFALO	0	53	47	4	0	12	0	11	0	0	0	0	0	0	0	0	0
DAVISON	13	3743	3348	377	33	402	42	330	79	3	4	90	15	26	65	1	1
HANSON	1	341	335	4	0	17	14	21	1	0	0	1	0	1	0	0	0
JERAULD	11	515	498	9	0	25	1	28	2	0	0	2	0	0	1	0	0
LAKE	36	2478	2209	233	26	202	80	148	39	0	2	37	13	8	15	0	0
MC COOK	1	787	744	27	3	81	10	50	9	0	0	28	8	12	4	0	0
MINER	0	452	442	11	4	37	7	33	2	2	1	2	0	1	0	0	0
MOODY	8	1723	1589	85	11	91	26	82	16	0	0	19	7	12	4	0	1
SANBORN	2	484	457	24	1	40	6	30	10	0	0	7	0	1	5	0	0
CIRCUIT TOTAL	90	12632	11633	853	85	1071	187	847	177	10	10	232	56	79	109	3	5

Table 13. Criminal Caseload by County
Fiscal Year 1985

COUNTIES	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	PETTY OFFENSE FILINGS	FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIFTH CIRCUIT:																	
BROWN	47	5418	4938	459	41	603	53	473	129	4	2	199	36	96	112	3	3
CAMPBELL	0	128	119	11	0	11	0	11	3	0	0	0	0	0	0	0	0
DAY	2	813	778	46	8	85	10	71	10	2	0	21	5	10	3	0	0
EDMUNDS	1	716	689	32	1	83	3	80	5	0	0	14	0	4	5	0	0
FAULK	1	270	268	5	1	20	2	18	0	1	0	2	1	0	0	2	0
MARSHALL	1	452	430	55	5	69	3	62	5	1	0	14	0	7	6	0	0
MC PHERSON	0	166	165	0	0	28	1	27	1	0	0	2	0	0	0	1	0
ROBERTS	1	2687	2421	329	1	279	24	224	58	2	1	68	11	38	26	1	1
SPINK	25	1374	1270	57	13	78	12	71	9	1	2	31	8	22	7	0	1
WALWORTH	4	1035	1003	44	4	203	13	167	23	2	0	19	6	10	10	0	0
CIRCUIT TOTAL	82	13059	12081	1038	74	1437	121	1184	243	13	5	370	87	187	169	7	5
SIXTH CIRCUIT:																	
BENNETT	2	1032	853	73	5	301	16	116	29	2	1	45	3	6	5	1	0
GREGORY	1	494	475	17	0	77	25	58	9	1	0	13	5	3	3	0	0
HAAKON	0	250	239	3	2	27	11	22	4	3	0	4	3	3	1	0	0
HUGHES	15	2851	2389	254	135	548	198	450	74	3	11	88	59	58	23	1	6
HYDE	0	213	187	15	2	20	6	19	4	0	0	4	1	0	1	0	0
JACKSON	1	1235	1133	81	3	97	11	37	8	1	3	15	1	2	1	0	1
JONES	1	523	521	6	1	15	9	14	3	0	0	7	2	3	2	0	1
LYMAN	1	1101	1189	7	5	77	10	65	6	0	0	8	7	3	1	0	0
MELLETTE	1	186	145	14	1	75	17	29	6	0	4	12	4	4	4	0	0
POTTER	0	383	327	27	1	110	13	63	7	0	0	14	0	6	3	0	2
STANLEY	3	884	797	81	10	107	25	82	7	0	3	13	5	4	2	0	1
SULLY	0	226	224	2	1	16	5	14	0	1	0	1	0	1	1	0	0
TODD-TRIPP	12	1488	1418	60	5	180	46	135	41	3	4	69	29	24	27	2	1
CIRCUIT TOTAL	37	10866	9897	600	171	1650	392	1104	198	14	28	293	119	117	74	4	12
SEVENTH CIRCUIT:																	
CUSTER	4	1025	948	55	12	136	28	125	36	1	0	25	5	12	11	0	2
FALL RIVER	12	1347	1217	102	7	192	42	136	53	0	1	63	12	22	24	8	0
PENNINGTON	1	424	433	19	0	19	9	14	6	0	0	272	147	144	79	22	4
RAPID CITY	485	21445	16372	3439	191	2357	574	1763	509	3	13	189	48	12	169	0	0
CIRCUIT TOTAL	502	24241	18970	3615	210	2704	653	2038	604	4	14	549	210	190	283	30	8
EIGHTH CIRCUIT:																	
BUTTE	4	1100	943	48	9	235	70	190	20	0	2	44	16	20	20	1	0
CORSON	0	223	233	4	0	28	12	23	11	0	0	4	4	4	6	0	0
DEWEY	0	180	173	20	2	24	4	21	3	0	0	1	0	0	0	0	0
HARDING	10	484	462	31	1	22	9	24	1	0	0	2	1	1	0	0	1
LAWRENCE	50	3944	3383	208	17	786	8	611	45	7	10	131	1	58	18	2	1
MEADE	85	5239	4996	199	26	459	58	412	44	2	1	64	19	28	18	5	1
PERKINS	1	335	321	2	3	123	26	55	6	0	0	31	5	6	1	0	0
ZIEBACH	1	245	233	3	0	8	2	4	0	0	0	4	1	2	1	0	0
CIRCUIT TOTAL	161	11750	10744	515	58	1685	189	1340	130	9	13	281	47	119	64	8	3
STATE TOTALS	1461	141024	123036	13720	1631	14821	2455	11250	2286	105	115	3088	853	1168	1208	69	85

Table 13. Criminal Caseload by County
Fiscal Year 1985

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER ADMIN. FILINGS	APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIRST CIRCUIT:																				
BON HOMME	13	53	2	17	2	3	13	18	5	1	3	220	20	200	82	4	2	6	1	7
CHARLES MIX	73	10	3	2	0	2	32	16	9	0	8	210	16	186	46	4	4	3	0	46
CLAY	25	81	0	1	0	1	103	44	0	2	32	315	26	261	65	6	7	4	2	41
DOUGLAS	4	13	0	0	0	0	13	8	0	0	5	70	0	80	27	5	1	0	0	3
HUTCHINSON	12	78	3	4	2	0	46	15	1	0	8	246	16	230	67	3	0	8	0	5
LINCOLN	56	109	1	25	13	1	103	36	9	9	44	237	22	176	85	7	1	21	1	15
TURNER	29	98	0	4	3	3	77	19	0	5	17	282	53	220	79	2	1	13	0	20
UNION	42	111	4	31	11	3	80	50	30	29	39	272	35	202	90	11	5	12	2	30
YANKTON	39	175	5	30	22	5	29	72	48	18	27	620	45	586	84	3	185	34	3	50
CIRCUIT TOTAL	295	728	18	114	53	18	496	278	102	62	183	2472	233	2141	657	45	186	99	9	217
SECOND CIRCUIT:	1643	1172	10	309	99	25	2702	699	282	77	584	2312	543	1573	480	71	148	97	55	511
THIRD CIRCUIT:																				
BEADLE	48	192	4	27	8	1	237	70	0	16	55	557	90	713	116	12	12	14	6	80
BROOKINGS	80	258	3	0	1	4	284	80	8	1	82	1048	132	881	103	14	8	8	2	147
CLARK	10	24	0	3	0	0	44	18	3	0	10	144	24	112	27	2	1	4	0	7
CODINGTON	56	240	12	20	17	4	341	129	33	30	204	854	83	524	131	11	5	33	3	71
DEUEL	14	87	0	2	3	1	42	10	5	4	7	127	14	113	37	3	0	3	1	15
GRANT	28	80	5	7	7	0	82	29	5	0	13	275	26	265	73	2	1	12	0	41
HAMLIN	29	38	0	0	0	0	45	8	0	1	8	107	8	102	38	6	6	4	0	6
HAND	10	48	2	9	2	1	60	7	4	3	1	148	3	158	43	4	0	12	1	9
KINGSBURY	23	61	0	12	5	1	39	18	8	6	8	161	17	139	82	6	1	6	1	24
CIRCUIT TOTAL	311	1008	26	80	43	12	1174	360	66	61	386	3221	397	3007	650	60	26	96	14	399
FOURTH CIRCUIT:																				
AURORA	7	27	0	6	1	0	14	6	10	0	1	85	2	83	25	3	1	2	0	5
BRULE	17	75	0	7	5	3	50	17	17	4	2	191	22	175	38	8	2	4	1	51
BUFFALO	1	6	0	0	1	0	5	2	0	0	1	15	2	13	4	1	0	10	1	5
DAVISON	127	157	1	20	22	3	154	73	34	11	2	881	84	640	110	17	12	19	7	54
HANSON	2	18	0	0	0	0	1	6	0	0	0	42	0	41	23	0	0	0	0	7
JERAULD	16	21	2	1	1	0	26	6	1	0	5	80	4	67	16	0	0	1	0	3
LAKE	36	67	5	17	6	0	72	32	13	0	24	287	18	244	49	8	7	10	3	53
MC COOK	27	44	0	0	0	1	44	13	3	2	9	135	12	101	56	3	2	6	1	25
MINER	19	34	0	4	5	0	15	6	5	1	0	49	5	70	46	2	3	5	0	5
MOODY	104	0	0	21	8	3	34	11	6	4	8	198	13	185	43	4	2	11	10	21
SANBORN	16	25	0	1	1	0	31	9	0	0	5	76	5	70	27	2	0	2	0	0
CIRCUIT TOTAL	372	474	8	77	50	10	446	183	88	22	55	1999	167	1648	437	48	29	70	23	229

Table 14. Civil Caseload by County
Fiscal Year 1985

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER ADMIN. FIL-INGS	AP-PEALS	HEAR-INGS	COURT TRIAL	JURY TRIAL	DE-FAULT	FIL-INGS	HEAR-INGS	TRIAL	DE-FAULT	FIL-INGS	TRIAL	DE-FAULT	PRO-BATE	ADOP-TION	MENTAL ILL-NESS	GUARD-IAN-SHIPS	TER-MINA-TIONS	JUVENILE PET-ITIONS
FIFTH CIRCUIT:																				
BROWN	346	821	9	99	24	1	670	191	114	39	200	986	139	874	209	24	19	46	22	157
CAMPBELL	4	20	0	1	0	0	12	3	1	0	0	51	1	38	17	0	0	0	0	3
DAY	47	103	0	58	21	0	78	39	13	6	10	418	45	349	110	0	0	24	0	48
EDMUNDS	15	44	1	2	1	0	36	9	0	0	8	96	4	90	42	2	0	3	1	6
FAULK	4	30	0	1	0	0	25	6	6	1	2	53	5	39	34	5	1	2	2	10
MARSHALL	4	67	3	3	5	0	44	12	4	0	9	122	9	90	30	7	0	6	5	5
MC PHERSON	23	25	1	2	0	0	30	10	5	1	7	99	0	106	32	1	0	1	0	2
ROBERTS	56	65	2	3	5	0	89	37	0	8	23	216	10	190	76	7	3	10	0	95
SPINK	39	47	2	18	1	1	96	43	15	20	23	240	15	236	70	3	1	13	2	10
WALWORTH	35	48	10	1	2	0	45	17	0	5	16	165	17	140	36	1	7	2	0	38
CIRCUIT TOTAL	573	1070	28	186	59	2	1125	367	158	78	298	2446	254	2150	656	50	31	107	32	375
SIXTH CIRCUIT:																				
BENNETT	19	11	1	3	1	0	2	9	1	0	5	135	4	97	22	1	1	1	0	19
GREGORY	17	64	1	2	2	1	64	16	1	0	13	228	15	210	40	2	2	2	0	15
HAAKON	6	17	0	0	0	2	14	10	4	1	6	154	13	149	23	3	1	1	0	5
HUGHES	78	261	32	86	20	3	226	73	10	12	66	977	101	897	61	7	2	18	1	58
HYDE	11	11	0	0	0	0	9	5	0	3	6	127	5	123	33	0	0	2	0	1
JACKSON	16	8	0	0	0	0	9	3	0	0	4	27	2	21	23	0	0	2	0	5
JONES	7	9	0	1	0	0	10	7	1	0	4	81	9	56	9	1	1	1	0	5
LYMAN	20	71	7	9	4	2	43	9	1	2	1	126	9	105	22	2	1	2	0	9
MELLETTE	16	15	0	3	5	1	18	7	4	0	4	20	1	19	10	0	0	0	0	10
POTTER	16	26	2	1	4	0	26	8	2	3	7	85	12	62	31	1	0	0	1	3
STANLEY	14	44	0	21	10	3	62	16	8	1	17	161	12	126	21	0	0	6	0	2
SULLY	2	24	0	0	0	0	26	3	1	0	2	64	4	64	16	0	0	1	0	0
TODD-TRIPP	60	124	1	0	5	2	112	64	2	1	36	319	16	260	65	9	5	14	0	41
CIRCUIT TOTAL	282	685	44	126	51	14	621	232	35	23	171	2504	203	2191	378	26	13	50	2	173
SEVENTH CIRCUIT:																				
CUSTER	245	83	0	50	0	0	72	57	39	11	106	211	37	165	44	4	8	2	2	43
FALL RIVER	0	146	4	62	16	4	145	57	5	2	52	265	35	241	63	9	5	13	2	30
PENNINGTON	374	1068	19	109	90	7	783	868	43	32	532	3477	564	2678	275	66	12	83	125	214
CIRCUIT TOTAL	619	1277	23	221	106	11	1000	782	87	45	750	3953	636	3085	382	79	25	98	129	287
EIGHTH CIRCUIT:																				
BUTTE	39	110	1	0	0	0	67	46	0	0	42	157	4	115	40	5	1	4	2	23
CORSON	7	42	0	9	3	0	35	5	0	0	6	66	3	61	20	4	0	2	0	0
DEWEY	11	19	7	8	5	0	31	11	1	0	5	36	0	26	16	1	2	0	0	0
HARDING	5	28	0	4	1	0	3	3	3	0	0	24	0	20	29	1	2	2	1	2
LAWRENCE	70	241	30	33	7	2	232	133	9	14	104	495	103	597	80	15	17	15	5	81
MEADE	31	135	7	48	30	1	124	100	64	23	105	210	38	229	106	12	37	22	7	42
PERKINS	16	22	0	6	3	0	12	19	4	1	8	54	9	40	44	2	3	3	0	3
ZIEBACH	15	0	0	0	0	0	0	3	0	0	0	12	0	11	7	0	0	0	0	0
CIRCUIT TOTAL	194	606	45	108	49	3	504	320	89	38	270	1054	157	1099	351	40	62	48	15	151
STATE TOTALS	4289	7020	202	1221	510	95	6070	3241	908	406	2707	19981	2590	16897	3898	419	520	665	278	2342

Table 14. Civil Caseload by County
Fiscal Year 1985

CIVIL FILINGS AND DISPOSITIONS BY FISCAL YEAR

CIVIL ACTION CATEGORY	FY 1981	FY 1982	FY 1983	FY 1984	FY 1985
CIVIL Filings	9,162	10,072	11,100	10,686	11,511
Defaults	6,731	6,754	7,188	7,927	8,070
Trials & Disp. Hearings	1,327	1,393	1,726	1,843	1,826
DIVORCE Filings	3,544	3,330	3,208	3,216	3,241
Defaults	2,605	2,634	2,608	2,369	2,707
Contested	787	778			
Trials and Hearings*			1,134	1,138	1,314
Granted (Calendar Year)	2,772	2,564	2,556	2,498	N/A
SMALL CLAIMS Filings	17,999	17,391	18,942	19,259	19,961
Defaults	14,480	14,383	15,763	16,152	16,897
Contested	2,067	2,167	2,275	2,288	2,590
MISCELLANEOUS Filings	7,496	7,219	7,683	7,640	7,945
Probate	3,956	4,002	3,986	4,192	3,999
Adoption	487	458	523	437	419
Mental Illness	592	546	578	494	520
Guardianship	581	649	605	626	665
Juvenile Petitions	1,880	1,564	1,991	1,891	2,342

* May include related hearings (child support, property, etc.).

Table 15. Civil Caseload Summary

Civil Caseload

Table 15, above, shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported and shown. In the miscellaneous categories, only filings are reported.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as a civil contest. There are still some problems in the civil case reporting process. The reporting system is not automated. The data are compiled manually, and the process of reporting and compilation appears not to be consistent from circuit to circuit.

When reporting civil caseload, the clerks often rely on court reporters or judges to provide them with important reporting data. They are not always fully informed, for example, whether dispositions are made by bench trial or by hearing. Also, child custody hearings have not been reported consistently throughout the state.

Under DIVORCE filings, the number of divorces and separations granted is provided by the Office of Vital Statistics, where it is compiled on a calendar year basis. During the four years for which the data is shown, there has been a steady decline in the number of such requests granted by the courts.

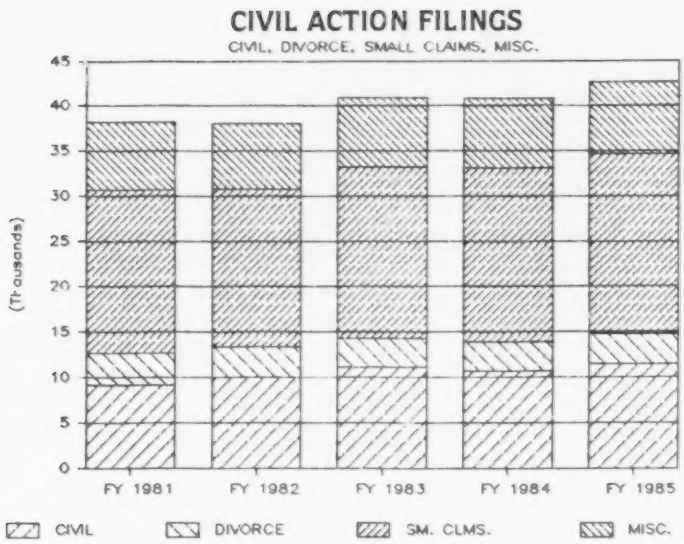


Chart 10. Civil Filings: Civil Actions, Divorce, Small Claims, Misc.

Chart 10, which illustrates total civil filings, shows that the number of such filings has increased slightly during fiscal year 1985. The juvenile petitions reported under the miscellaneous heading are those filed and compiled through the clerks offices. There is, in addition to this, a separate computerized reporting system for juvenile filings. That system is processed through the court services offices.

Civil Actions

The number of civil lawsuit filings, as shown in Chart 11, has increased slightly during fiscal year 1985, after a decrease in the previous year. The marked increase for FY 1984 in the "defaults" category, which includes dismissals, probably reflects the impact of a Supreme Court order to permit dismissal of civil cases that remain inactive for over a year. This procedure helps to adjust the data for those cases that are filed and never reported as disposed, as in the case of some settlements and lawsuits that are informally dropped.

In fiscal years 1983 through 1985, trials and dispositional hearings are reported separately. They are combined here in order to make them comparable with previous years.

The number of small claims filings--as distiguished from general civil contests, above--is shown in Chart 12. This number has increased slightly during the past fiscal year, as has the "defaults" category. The number of contested small claims cases has increased gradually in small increments during the five-year period shown.

Filings and defaults of divorce, annulment, and separation cases are shown in Chart 13. These are also not included in the number of general civil contests shown in Chart 11. These data may include child custody hearings as new filings if there has been no related divorce case previously filed.

CIVIL ACTION FILINGS AND DISPOSITIONS:

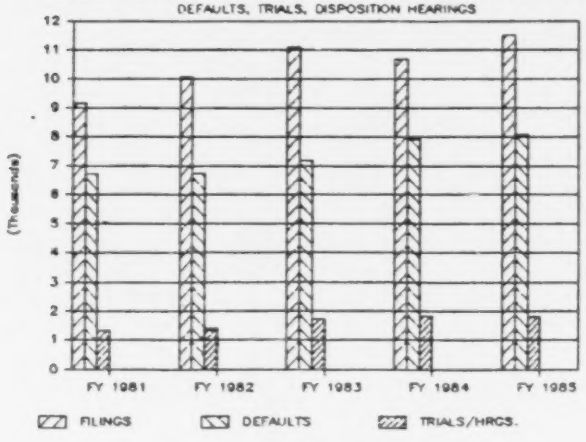


Chart 11. Civil Action Filings and Dispositions

SMALL CLAIMS ACTIONS

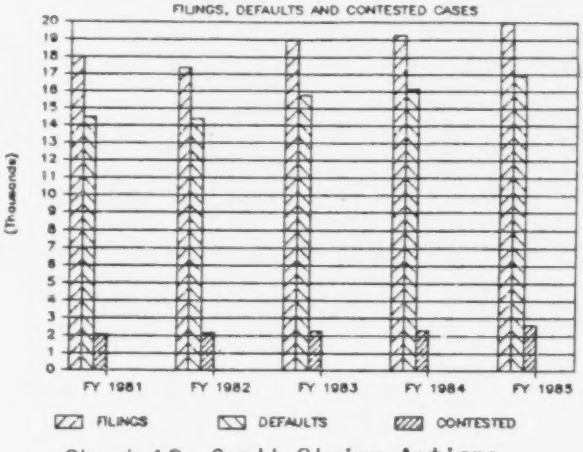


Chart 12. Small Claims Actions

DIVORCE, ANNULMENT, & SEPARATION CASE

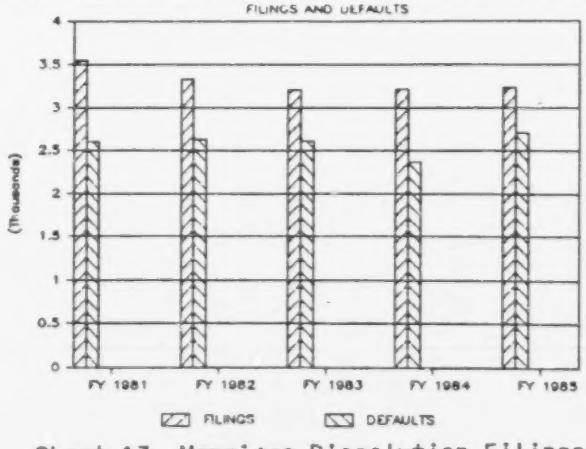


Chart 13. Marriage Dissolution Filings and Defaults

CRIMINAL CASELOAD SUMMARY

CATEGORY	FY 1981	FY 1982	FY 1983	FY 1984	FY 1985
CLASS-TWO MISDEMEANOR					
Filings	126,974	122,327	122,364	130,520	141,024
Guilty Pleas	117,127	110,503	108,520	114,158	123,036
Dismissals	7,954	10,852	11,523	11,967	13,720
Trials	2,177	2,259	2,167	1,439	1,631
Suspended Impositions	302	394	380	318	331
Speeding Offenses	66,531	58,227	56,370	61,243	68,470
CLASS-ONE MISDEMEANOR					
Filings	9,258	10,218	12,897	15,192	14,821
Preliminary Hearings	1,253	1,616	1,634	2,553	2,455
Guilty Pleas	7,099	8,134	9,943	11,469	11,250
Dismissals	1,340	1,417	1,572	1,936	2,266
Trials	316	238	234	310	220
Suspended Impositions	179	430	802	848	581
DUI Offenses	4,537	5,692	8,076	10,081	8,054
FELONY					
Filings	2,846	2,921	2,741	2,606	3,088
Preliminary Hearings	583	1,005	793	704	853
Guilty Pleas	1,368	1,633	1,635	1,072	1,168
Dismissals	1,082	1,046	1,038	961	1,208
Trials	208	160	152	160	154
Suspended Impositions	310	410	404	387	422

Table 16. Criminal Caseload Summary

Criminal Caseload

Table 16 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. Petty offenses, which are technically civil cases, are included in the main category of class-two misdemeanor filings. Speeding violations (filings) are shown separately, but are also included in all the preceding totals for class-two misdemeanors. Speeding violations comprise about half of these.

Class-two misdemeanors include most traffic offenses. The non-traffic offenses in this category include, among a wide range of other violations, certain drug possession charges, and bad check offenses involving $100 or less.

Like the speeding offense statistics, the number of DUI filings shown in the table are included in the class-one misdemeanor filing and dispositional information. DUI violations here include both first and second time offenders as charged by the state's attorney. The third offense DUI is a felony. (Table 17 contains complete DUI data).

Selected information from the table above, comparing data for the period of five fiscal years, is shown on the charts that follow.

Criminal Caseload

The felony caseload summary in Chart 14 shows an 18% increase in felony filings for this fiscal year, reversing the pattern of decline that has developed in this category of filings over the past few years. Felony guilty pleas have increased by 9%; dismissals by 25%; preliminary hearings by 21% and suspended impositions by 9%.

The number of filings for felonies has increased state-wide, but there is a particularly noticeable rise in filings, though not shown in the data, for Minnehaha County (Sioux Falls). This seems to be caused in part by an increase in the prosecution for bad-check violations which, as they accumulate, may evolve into a felony offense. (If the checks are held until the end of a given time period, the total amount may qualify for prosecution as a felony charge against the offender.)

Besides the bad checks there is also a noticeable rise in arrests for DUI felony (third-offense drunk driving) offenses, as shown in table 17. This is not only in Sioux Falls, but across the state as a whole.

The remarkable increase in dismissals--both felony and class-one cases--may be caused by the prosecution's effort to comply with the Supreme Court's rule that all criminal cases must be terminated within 180 days from the time the defendant first appears in court. Some state's attorneys are apparently dismissing those cases that have been held open on warrants because the defendant was not found, although the rule only refers to cases involving an initial appearance by the defendant.

FELONY CASELOAD

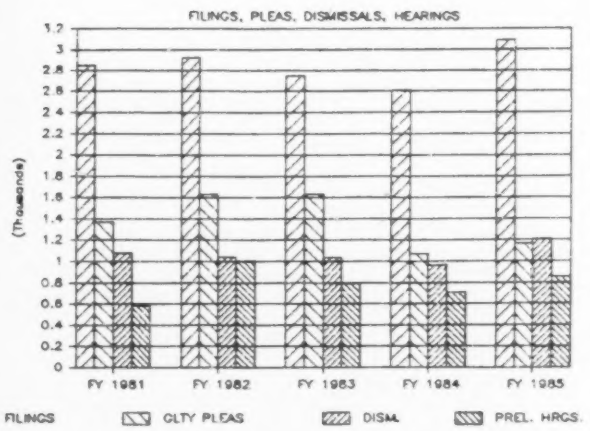


Chart 14. Felony Caseload

FELONY AND CLASS-ONE MISDEMEANOR

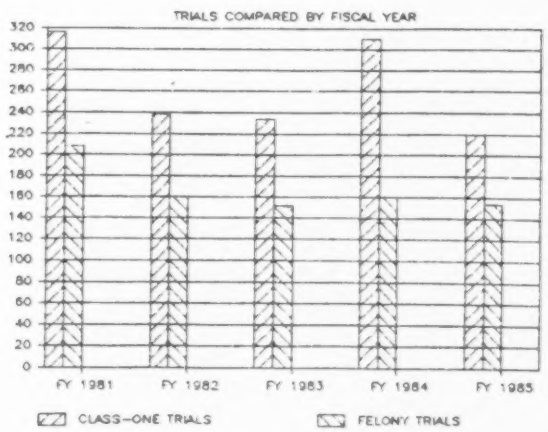


Chart 15. Felony and Class-One Misdemeanor Trials

The comparison of trials for felony and class-one misdemeanor cases shown in Chart 15 indicates that the class-one trials have decreased sharply statewide, while overall class-one filings show only a moderate decline. Felony trials have remained fairly stable over the past four years. Part of the decline in class-one trials may be due to the reduction in DUI offenses during the year (see Table 17). Also, a change in the reporting process may be promoting more accurate calculation of trials during fiscal year 1985.

Also, in Chart 16, the ratio of filings to guilty pleas for class-one misdemeanors has remained fairly stable over the five-year period shown. The same appears to be true, until this fiscal year, of the ratio of DUI class-one misdemeanor offenses to total class-one filings, as presented in Chart 16.

CLASS-ONE MISDEMEANOR

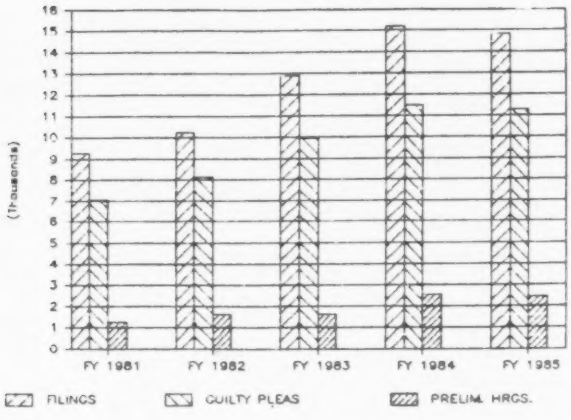


Chart 16. Class-One Misdemeanor Caseload

CLASS-ONE MISDEMEANOR AND

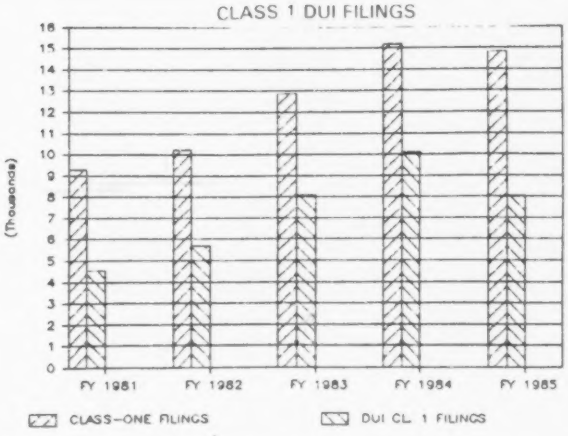


Chart 17. Class-One Misdemeanor and DUI Filings

DUI VIOLATIONS SUMMARY

	FY 1981	FY 1982	FY 1983	FY 1984	FY 1985
FILINGS					
DUI One	4050	5152	7265	9035	7874
DUI Two	487	540	811	1046	1180
DUI Three	131	189	184	228	318
TOTAL	4668	5881	8260	10309	9372
GUILTY PLEAS					
DUI One	3174	3871	5417	6606	5510
DUI Two	394	423	589	789	806
DUI Three	76	104	77	110	147
TOTAL	3644	4398	6083	7505	6463
DISMISSALS					
DUI One	713	900	1072	1354	1666
DUI Two	70	98	181	207	307
DUI Three	28	51	62	65	87
TOTAL	811	1049	1315	1626	2060
SUSPENDED IMPOSITION					
DUI One	43	211	551	707	404
DUI Two	3	3	10	3	16
DUI Three	18	22	27	32	48
TOTAL	64	236	588	742	468
CONVICTIONS AT TRIAL					
DUI One	61	120	142	167	128
DUI Two	6	13	19	25	20
DUI Three	2	9	3	9	14
TOTAL	69	142	164	201	162
ACQUITTALS AT TRIAL					
DUI One	17	16	40	66	47
DUI Two	5	0	6	5	9
DUI Three	0	1	1	1	6
TOTAL	22	17	47	72	62

Table 17. DUI Violations Summary

DUI Caseload

The majority of class-one misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, are shown on Table 17 for fiscal years 1981 through 1985. Selected segments of the data above are shown in the comparative bar charts that follow.

Cursory examination of the data in the chart above shows that first offense DUI filings (DUI One), and almost all dispositions for that category of offense, have, during this reporting period, decreased for the first time in the past five years. All categories for DUI-Two and DUI-Three show a continued increase except for second-offense trial convictions, which have declined slightly.

The exception to the overall decrease in first-offense dispositions is the category of dismissals, which, as illustrated in Chart 18, continue to increase. The chart also shows the decrease in total filings and guilty pleas for all categories of DUI, after they had doubled in the previous five years. The decrease in filings either indicates that the intensity of the effort to control drunk driving is decreasing, or that it is beginning to show some statistical results.

Although dismissals continue to increase, a substantial number of DUI dismissals are, in reality, reduced by the prosecutor to the charge of reckless driving, which is also a class-one misdemeanor. This may happen if the prosecutor is convinced that the evidence is not adequate for a DUI conviction and he is willing to negotiate a guilty plea for a charge of reckless driving. There is no license suspension for reckless driving, nor is there a more severe penalty imposed by statute for similar violations in the future, as there is for DUI offenses.

Chart 19 shows a comparison of the remaining dispositions from Table 17, which are suspended impositions of sentence and trial results, for DUI offenses. This illustrates that suspended impositions of sentence, discussed in some detail on page 49, for DUI convictions, have declined by 37%. Almost all of this decline seems to have been the result of a marked reduction in suspended impositions for DUI offenses in Minnehaha County.

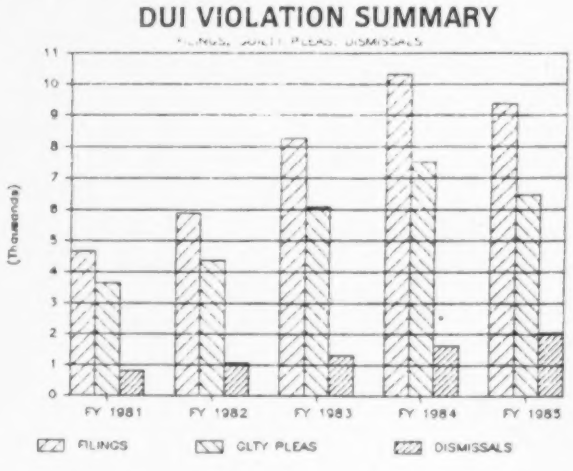


Chart 18. DUI Violations Summary, Filings, Guilty Pleas, and Dismissals

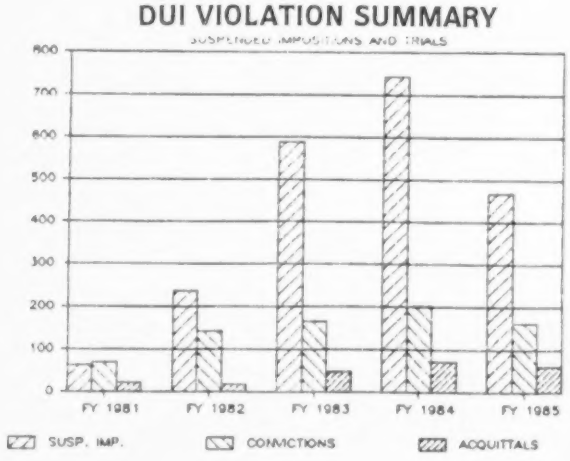


Chart 19. DUI Violations Summary, Suspended Impositions of Sentence and Trials

FY 1985
DUI DISPOSITIONS
BY COUNTY AND CIRCUIT

	TOTAL	GUILTY PLEAS	DISMIS-SALS	TRIALS ACQUIT-TALS	TRIALS CONVIC-TIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIRST CIRCUIT:						
BON HOMME	23	20	1	1	1	0
CHARLES MIX	158	117	24	0	0	0
CLAY	237	183	23	4	8	14
DOUGLAS	14	14	0	0	0	0
HUTCHINSON	50	43	6	1	0	0
LINCOLN	82	63	8	1	1	3
TURNER	18	10	4	1	0	0
UNION	151	96	47	1	0	5
YANKTON	427	253	145	1	4	2
TOTAL	1158	799	258	10	14	24
SECOND CIRCUIT:						
MINNEHAHA	83	41	27	1	7	5
SIOUX FALLS*	1727	1063	575	13	20	36
TOTAL	1810	1104	602	14	27	41
THIRD CIRCUIT:						
BEADLE	199	168	23	1	5	1
BROOKINGS	307	284	17	1	5	0
CLARK	29	24	5	0	0	0
CODINGTON	242	178	58	2	5	1
DEUEL	33	27	3	1	2	0
GRANT	52	48	4	0	2	0
HAMLIN	21	15	5	0	1	0
HAND	38	28	8	1	0	1
KINGSBURY	52	46	5	0	0	0
TOTAL	973	812	128	6	20	3
FOURTH CIRCUIT:						
AURORA	20	17	3	0	0	0
BRULE	48	32	10	2	0	0
BUFFALO	5	4	1	0	0	0
DAVISON	244	209	20	1	3	2
HANSON	10	10	0	0	0	0
JERAULD	22	18	4	0	0	0
LAKE	100	82	18	0	1	0
MC COOK	32	27	4	0	0	0
MINER	27	23	0	3	1	0
MOODY	69	55	14	0	0	0
SANBORN	25	20	5	0	0	0
TOTAL	602	497	77	6	5	2
FIFTH CIRCUIT:						
BROWN	306	226	61	0	4	12
CAMPBELL	13	6	7	0	0	0
DAY	52	45	3	0	2	2
EDMUNDS	45	41	3	0	0	1
FAULK	12	8	3	0	1	0
MARSHALL	53	48	3	0	0	2
MC PHERSON	22	15	6	0	0	0
ROBERTS	151	142	8	0	1	0
SPINK	57	52	2	0	2	1
WALWORTH	158	125	29	0	2	0
TOTAL	869	708	126	0	12	18
SIXTH CIRCUIT:						
BENNETT	128	92	21	0	2	0
GREGORY	35	25	9	0	1	0
HAAKON	16	12	3	0	0	0
HUGHES	364	252	88	3	6	2
HYDE	16	11	5	0	0	0
JACKSON	38	26	7	1	4	1
JONES	9	8	1	0	0	0
LYMAN	53	49	4	0	0	0
MELLETTE	23	19	1	1	2	0
POTTER	45	34	11	0	0	0
STANLEY	70	20	47	3	0	0
SULLY	4	3	0	1	0	0
TODD	5	1	3	0	1	0
TRIPP	100	71	23	2	2	1
TOTAL	907	623	223	11	18	4
SEVENTH CIRCUIT:						
CUSTER	113	82	28	1	0	2
FALL RIVER	115	84	15	1	0	1
PENNINGTON	38	17	11	1	0	9
RAPID CITY*	1571	937	478	8	41	103
TOTAL	1837	1120	532	11	41	115
EIGHTH CIRCUIT:						
BUTTE	158	120	18	0	3	17
CORSON	17	10	7	0	0	0
DEWEY	12	10	2	0	0	0
HARDING	15	8	1	0	0	5
LAWRENCE	604	350	40	4	12	197
MEADE	367	252	71	0	9	33
PERKINS	54	48	2	0	0	5
ZIEBACH	2	1	0	0	1	0
TOTAL	1229	797	141	4	25	257
STATE TOTALS:	9383	6460	2084	62	162	464

* Magistrate Courts

Table 18. DUI Filings and Dispositions by County

Table 18 contains DUI filings and dispositions for Fiscal Year 1985, by county and circuit. The number of filings is particularly high in Lawrence County as compared to counties of similar population, such as Davison or Codington Counties. Hughes County also has a noticeably high number of filings, and Yankton County has an especially high ratio of dismissals.

Suspended Impositions

After conviction, either by guilty plea or at trial, the judge may decide to suspend the imposition of sentence according to SDCL 23A-27-13 and -14. These laws permit the judge, if he decides that it is in the interest of justice and the good of the community, to require the defendant to fulfill certain conditions, including the possibility of both a fine and jailtime, after which the defendant is discharged and the court orders that his record be sealed.

According to SDCL 23A-27-17, "the effect of such order is to restore such person, in the contemplation of the law, to the status he occupied before his arrest . . . ." For all practical purposes, the sealing of the defendant's record means it is as though the crime was never committed, with one exception. According to SDCL 23A-27-16, a record is kept by the division of criminal investigation "solely for use by law enforcement agencies, prosecuting attorneys, and courts in sentencing such person for subsequent offenses."

The suspended imposition of sentence is provided to help those citizens who have been convicted of a crime, but are sufficiently law-abiding and responsible, in the judgment of the court, that they should be reinstated fully after a reasonable punishment. According to SDCL 23A-27-14, the procedure involved in the suspended imposition of sentence "may occur only once with respect to any person."

The indicators on chart 20 show that there has been a sharp decline in the number of suspended impositions of sentence rendered for class-one misdemeanors in fiscal 1985, following significant increases in this category during the two previous fiscal years. There is also a noticeable increase in suspended impositions for both felony and class-two misdemeanor cases during the past fiscal year.

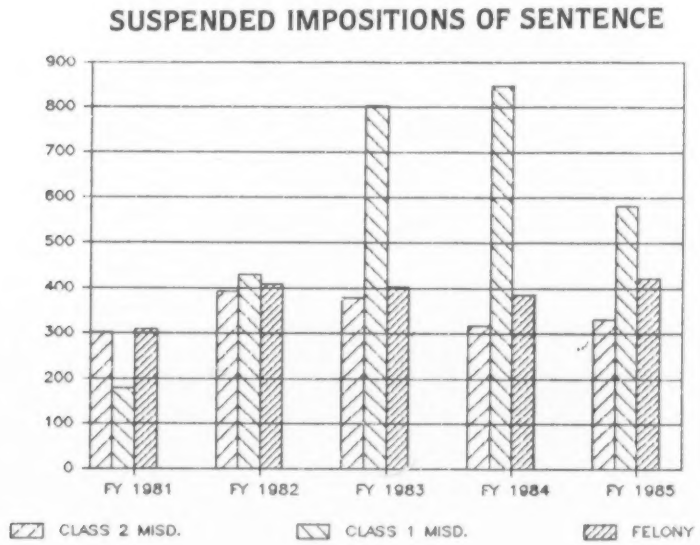


Chart 20. Suspended Imposition of Sentence

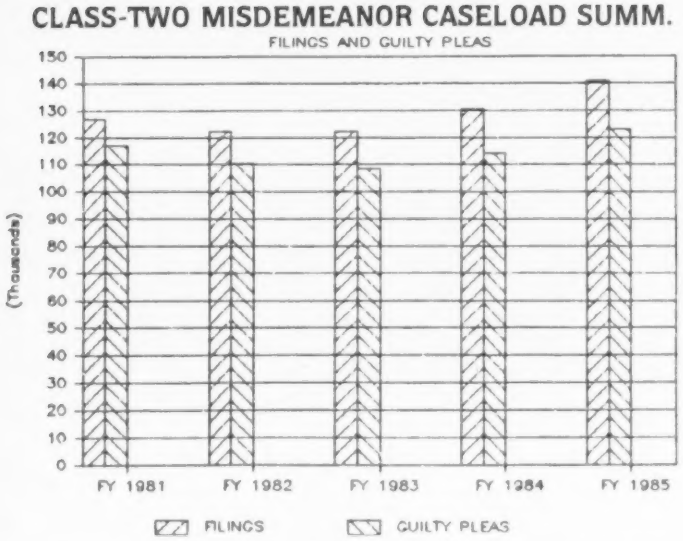


Chart 21. Class-Two Misdemeanor Caseload, Filings and Guilty Pleas

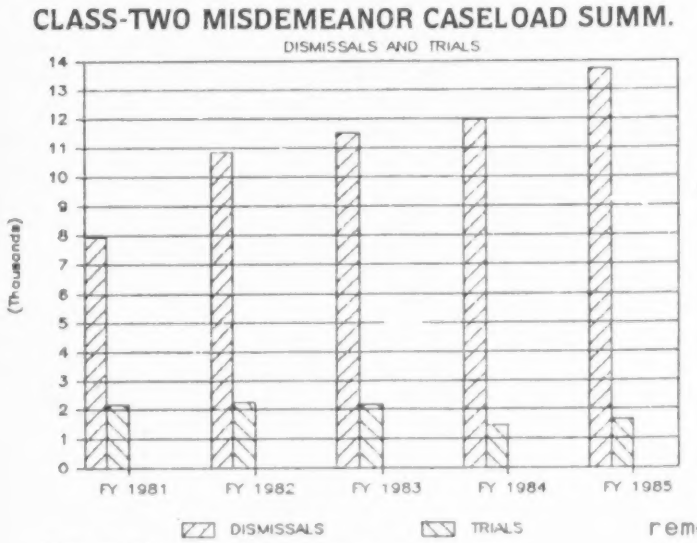


Chart 22. Class-Two Misdemeanor Caseload, Dismissals and Trials

Class-Two misdemeanors

Chart 21 shows that the number of class-two misdemeanor filings has been increasing steadily during the past three years, while Chart 22 shows that dismissals also continued to increase noticeably, and the number of trials rose slightly.

The continued increase in dismissals probably reflects the purging from active records, as authorized by Supreme Court Rule, of those traffic cases in which the defendant failed to appear or pay the fine for a period of six months. In these cases, the defendant's driver's license is suspended by the Department of Driver Improvement, and the case is removed from active court files. In order to have his license reinstated, the defendant must first have the court issue an order to reinstate the license. Then, he must pay a substantial cash penalty. The defendant also faces the possibility of an additional charge of failure to appear for trial on the original violation.

The decrease in the number of trials from the higher numbers in 1981 through 1983 may be partly the result of a Supreme Court decision regarding the right to a jury trial. Unless there is a real possibility, in the event of his conviction, that the judge's sentence will result in jail time, the defendant accused of a class-two misdemeanor offense has no automatic right to a jury trial.